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Title 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

Part 502 of this chapter sets forth the rules of procedure of the Office of Alien Property applicable to claims under sections 9(a), 32 and 34 of the Trading With the Enemy Act, as amended (50 U.S.C. App. 9(a), 32 and 34) and sections 207 (b) and 208(a) of Title II of the International Claims Settlement Act of 1949 (22 U.S.C. 1631f(b) and 1631g(a)). Changes in organization of the Office of Alien Property were made as of July 1, 1959 which effected transfers of certain functions, duties and powers with which Part 502 is concerned. Accordingly, it is necessary to amend Part 502 to reflect these changes in organization. Since the amendments relate to procedure, neither notice nor hearing thereon is required by statute.

Part 502 is hereby amended to read as follows:

Subpart A—General Rules

Subpart B—Title Claims

Subpart C—Debt Claims

Subpart D—General Claims

AUTHORITY: §§ 502.1 to 502.300 issued under 40 Stat. 411, as amended, 69 Stat. 562; 50 U.S.C. App. 1–40; 22 U.S.C. 1631. E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, Oct. 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp.; E.O. 10644, Nov. 7, 1955, 20 F.R. 8363, 3 CFR, 1955 Supp.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

Subpart A—General Rules

§ 502.1 Scope of part.

(a) Sections 502.1 to 502.32 shall be applicable solely to title and to debt claims.

(b) Sections 502.100 to 502.110 shall be applicable solely to title claims.

(c) Sections 502.200 to 502.205 shall be applicable solely to debt claims.

(d) Section 502.300 shall be applicable to all claims other than title and debt claims as defined in § 502.2 (e) and (f).

§ 502.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "act" means the Trading With the Enemy Act, as amended, or the International Claims Settlement Act of 1949, as amended. The term "section" refers to a section of either act.

(b) The term "Office" means the Office of Alien Property.

(c) The term "rules" means the rules of the Office set forth in this part.

(d) The term "Director" means the Director, Office of Alien Property, or other person duly authorized to perform his functions.

(e) The term "title claim" means a claim under sections 9(a) or 32 of the Trading With the Enemy Act, as amended, or section 207(b) of the International Claims Settlement Act of 1949, as amended.

(f) The term "debt claim" means a claim under section 34 of the Trading With the Enemy Act, as amended, or section 208(a) of the International Claims Settlement Act of 1949, as amended.

(g) The term "claim" refers to a title claim or a debt claim and shall include the Notice of Claim form, any amendment thereto, and such other material as may have been filed by the claimant with respect to the claim.

(h) The term "excepted claim" means (1) any title claim which involves the return of assets having a value of $50,000 or more, and any debt claim in the amount of $50,000 or more; (2) any title claim which the Director finds will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; and any debt claim which the Director finds will, as a practical matter control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,00 or more; (3) any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(i) The term "non-excepted claim" shall mean any claim other than an "excepted claim."

(j) The term "claimant" means the person in whose behalf a claim is filed.

(k) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(l) The term "parties" includes the claimant on the one hand and the Chief of the Trial Section or the Chief of the Appellate and Special Litigation Section on the other.

(m) The term "vested property" means any property or interest vested in or transferred to the Alien Property Custodian or the Attorney General of the United States pursuant to the act (other than any property or interest so acquired by the United States prior to December 18, 1941), or the net proceeds thereof.

(n) The term "filing" means receipt by the Office or appropriate officer or employee thereof.

(o) The term "Chief Hearing Examiner" refers to the hearing examiner designated as such by the Director.

(p) The term "docketed claim" means a claim which has been referred by the Director or the Chief of the Trial Section to the Chief Hearing Examiner for hearing and has been given a docket number.

(q) The term "hearing" means the proceedings upon a docketed claim.

§ 502.3 Indispensable party.

The Chief of the Trial Section shall be a necessary party in all proceedings with respect to docketed claims before a Hearing Examiner. The Chief of the Appellate and Special Litigation Section shall be a necessary party in all other proceedings with respect to docketed claims.

§ 502.4 Appearance.[1]

(a) A claimant may appear in a claim proceeding in person or may be represented by an agent, attorney in fact or at law. A member of a partnership may represent the partnership; an officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) Any person appearing in a claim proceeding in a representative capacity may be required to file a power of attorney showing his authority to act in such capacity.

§ 502.5 Intervention.

Any person who claims to have a substantial interest in a docketed claim proceeding may file a specification of such interest in writing with the Hearing Examiner after serving a copy thereof upon the parties. Upon a finding by the Hearing Examiner that the petitioner has a substantial interest which may be adversely affected by the proceeding he may authorize the petitioner to participate in the proceeding upon such conditions as may be imposed.

[1] CROSS REFERENCE: For limitations on representative activities, see § 505.60 of this chapter. For powers of attorney see § 505.1 (d) of this chapter.

§ 502.6 Forms.

(a) Claims shall be filed on forms authorized or prescribed by the rules of this Office.

(b) Subject to the provisions of sections 33 and 34 of the Trading With the Enemy Act, as amended, or sections 208(b) and 210 of the International Claims Settlement Act of 1949, as amended, the Director or the Chief of the Claims Administration Section may expressly waive the requirement of paragraph (a) of this section.

§ 502.7 Amendment and withdrawal of claim.

(a) Subject to the provisions of sections 33 and 34(b) of the Trading With the Enemy Act, as amended, or sections 208(b) and 210 of the International Claims Settlement Act of 1949, as amended, the claimant may amend his claim prior to hearing or after the opening of a hearing in a claim proceeding by consent of the Chief of the Claims Administration Section or of the Chief of the Trial Section or as allowed by the Hearing Examiner or the Director.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 502.8 Order for hearing.

The Director, or the Hearing Examiner in any docketed claim proceeding, may issue an order for hearing. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of the hearing. The order shall be served on all parties a reasonable time, but not less than ten (10) days in advance of the hearing, unless the parties shall agree to a shorter time.

§ 502.9 Designation of Hearing Examiner.

Prior to a hearing, a Hearing Examiner shall be designated by the Chief Hearing Examiner.

§ 502.10 Removal of a claim proceeding and hearing by the Director.

The Director may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Director, at any stage of a claim proceeding before a Hearing Examiner, may remove the claim proceeding from the Hearing Examiner. Decisions of the Director under this section shall first be issued in tentative form and the Director shall fix a time within which all parties may submit exceptions and briefs with reference thereto and after which he shall render his final decision. In the case of non-excepted claims, this decision shall be the decision of the Office. In the case of excepted claims, the Director shall deliver a copy of this decision to the Attorney General immediately upon its issuance, together with the record and all exceptions and briefs. Such decision shall become the decision of the Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the

parties may submit exceptions and briefs with reference to the decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of the Office. The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.11 Pre-hearing conferences.

(a) At any time after a claim has been docketed with the Chief Hearing Examiner and prior to hearing, the Hearing Examiner may arrange for the parties to appear before him at a designated time and place for the purpose of determining the issues between the parties and obtaining admissions or stipulations with respect to any matters, records, or documents which will be relied upon by any party at the hearing.

(b) At the conclusion of the conference, the Hearing Examiner shall prepare an order setting forth the issue or issues to be determined at the hearing and describing the matters, records, or documents which the parties have admitted or stipulated. Such order shall be presented to each of the parties for their approval and when approved by them shall be made a part of the record in the claim proceeding and shall be conclusive as to the action embodied therein.

§ 502.12 Consolidation of claims.

The Director, the Chief Hearing Examiner, or the designated Hearing Examiner, may, where such action will expedite the disposition of claims and further the ends of justice, consolidate docketed claims.

§ 502.13 Hearings.

(a) All hearings, except hearings before the Director, shall be conducted by a Hearing Examiner. At any time prior to hearing, a Hearing Examiner may be designated to take the place of the Hearing Examiner previously designated to conduct the hearing. In the case of the death, illness, disqualification or unavailability of the Hearing Examiner presiding in any claim proceeding, another Hearing Examiner may be designated to take his place. Hearing Examiners shall, so far as practicable, be assigned to cases in rotation.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Director after affidavits alleging personal bias or other disqualifications have been filed with the Director and the matter has been considered by the Director or by a Hearing Examiner upon referral by the Director.

(c) Hearings shall be open to the public unless otherwise ordered by the Director or the Hearing Examiner.

(d) Subject to the rules of this Office, including this part, Hearing Examiners presiding at hearings shall have the hearing powers set forth in section 7(b) of the Administrative Procedure Act.

(e) Hearing Examiners shall act independently in the performance of their duties as examiners and perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters, no Hearing Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party and the Hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) Any record, document, or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of an investigator of this Office or any other agency of the United States, or by a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross-examination shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original when accompanied by a certificate of any of the persons hereinabove designated, stating that it conforms to the original. The methods of authentication provided for in this rule shall be in addition to, and not exclusive of, other methods of authentication.

(k) All investigative reports, affidavits, or other written statements of persons that reside at a distance of more than 100 miles from the place of a hearing or are otherwise unavailable as witnesses, when signed by an investigator of this Office or any other agency of the United States, or by the person making such affidavit or statement, shall be accepted as evidence and made a part of the record in a claim proceeding. All circumstances in the making of such investigative report, affidavit, or other written statement, as well as the lack of opportunity for cross-examination shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of any investigative report shall be equally admissible as the original when accompanied by a statement of an official of this Office or other agency of the United States that it is a copy of such report.

(l) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(m) In the discretion of the Hearing Examiner, any witness may be excluded until he is called upon to testify. Contemptuous conduct at any hearing before a Hearing Examiner shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(n) Hearings shall be stenographically reported by a reporter designated by the Director or Chief Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Director or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make it conform to the evidence presented at the hearing. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(o) Hearings may be waived by the parties and the claim submitted to the Hearing Examiner, or to the Director, with his consent, on a stipulated record or an agreed statement of facts.

§ 502.14 Witnesses.

(a) Witnesses shall be examined orally under oath or affirmation, to be administered by the Hearing Examiner, except that for good cause testimony may be taken by deposition.

(b) Witnesses summoned before the Director or the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 502.15 Subpoenas.

(a) The Director, or in the case of any docketed claim the Chief Hearing Examiner or the Hearing Examiner, shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify

the books, records, correspondence or other documents sought.

(b) The Director, Chief Hearing Examiner or the Hearing Examiner before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 502.16 Depositions.

(a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Director, or in the case of a docketed claim the Chief Hearing Examiner or the Hearing Examiner, may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken and specify the time when, the place where, and the officer before whom the witness is to testify. Such order shall be served upon all parties by the Director, the Chief Hearing Examiner, or the Hearing Examiner, as the case may be, a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be taken under oath or affirmation and shall be reduced to writing by the officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the officer.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witnesses' own words.

(d) Where the deposition is taken in a foreign country and the officers designated in the authorization is unavailable, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person as may be agreed upon by the parties stipulating in writing.

(e) A witness whose deposition is taken pursuant to the rules in this part and the officer taking the deposition, unless he be employed by the Office, shall be entitled to the same fees and mileage paid for like service in the Courts of the United States, which fees shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 502.17 Documents in a foreign language.

Every document, exhibit or paper written in a language other than English, which is filed in any claim proceeding, shall be accompanied by complete English translation thereof duly verified to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation. For good cause verification may be waived. If a document, exhibit or paper in a foreign language is offered in evidence at a hearing any dispute as to the accuracy of the translation thereof shall be determined as is any other issue of fact.

§ 502.18 Motions.

(a) All motions and requests for rulings addressed to the Director, Chief Hearing Examiner or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claim proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of a hearing, or to any other matters within the authority of the Hearing Examiner, may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party thereafter in the claim proceeding to assign a ruling as error.

§ 502.19 Withdrawal of papers.

(a) No paper, document or claim officially filed shall be returned unless the Director shall allow such return. The granting of a request to dismiss a claim or withdraw a paper, document or claim does not authorize the removal of the paper, document or claim from the records of the Office.

(b) Where the original of a record, document or other paper is offered in evidence at a hearing a photostatic or conformed copy thereof may be substituted during the course of the hearing with the approval of the Hearing Examiner.

§ 502.20 Oral argument.

The Director or the Hearing Examiner, as the case may be, may grant to any party at the close of a hearing a reasonable period for oral argument and such argument may, with the consent of the hearing officer, be included in the stenographic report of the hearing.

§ 502.21 Proposed findings and conclusions.

At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time to be fixed by him. As far as practicable the procedure shall be followed of having claimant's brief filed first, followed by the brief of the Chief of the Claims Administration Section with any reply briefs filed in the same order.

§ 502.22 Hearing Examiner's decision.

(a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript, all exhibits and briefs, shall make a recommended decision which shall include proposed findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact or law presented on the record. Such recommended decision shall become part of the record.

(b) At any time prior to the filing of his recommended decision, the Hearing Examiner may, for good cause, re-open the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's recommended decision shall be served upon each party.

(d) In the case of the death, illness, disqualification or unavailability of the Hearing Examiner who presided at the hearing, the Director shall make a tentative decision or shall designate another Hearing Examiner to make a recommended decision.

(e) At any time prior to the filing of exceptions to a recommended decision of a Hearing Examiner and if the time for filing such exceptions has not expired pursuant to § 502.23, the Hearing Examiner shall have authority to amend, modify or vacate orders issued by him, to the extent that such amendment, modification or vacation may be desirable to correct typographical or procedural errors or to make purely ministerial changes therein, but not otherwise.

§ 502.23 Review of the Hearing Examiner's recommended decision.

Within 30 days after service of the Hearing Examiner's recommended decision, any party objecting thereto shall file exceptions with the Director. Where exceptions are filed the Director shall fix a time for the filing of briefs. If no exceptions are filed within 30 days of the service of the Hearing Examiner's recommended decision any party shall have an additional 15 days within which to file a brief with the Director. After the expiration of the time for filing of briefs the Director shall, in non-excepted claims, render his decision which shall be the decision of the Office. After the expiration of such time in the case of excepted claims the Hearing Examiner shall certify the entire record to the Director for initial decision. The Director shall then render an initial decision which shall be served on the parties and a copy thereof immediately delivered to the Attorney General, together with the record and all exceptions and briefs. Such initial decision shall become the decision of this Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the parties may submit exceptions and briefs with reference to the initial decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of this Office.

The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.24 Waiver by the Director or the Attorney General.

The Director or the Attorney General, as the case may be, may, with the consent of the parties, waive any of the requirements of this part, when, in his opinion, the ends of justice would thereby be served.

§ 502.25 Motion to dismiss.

(a) Motion to dismiss any claim may be made by the Chief of the Trial Section which motion shall be in writing and shall state the reasons in support thereof and may be accompanied by supporting documents. The Chief of the Trial Section shall obtain from the Chief Hearing Examiner a date and place of hearing. Thereupon the Chief of the Trial Section shall serve a copy of the motion, together with a notice of the date and place of hearing, upon all parties, and shall docket the motion and statement of service with the Chief Hearing Examiner.

(b) Hearing on the motion shall be held at the time and place specified in the notice, or at such other time and place as may be fixed by the Hearing Examiner.

(c) The claimant shall file any affidavits, papers or documents in opposition to the motion with the Hearing Examiner, after service upon the Chief of the Trial Section not later than five (5) days prior to the date of hearing.

(d) Briefs may be submitted within the time fixed by the Hearing Examiner.

(e) Hearing before a Hearing Examiner may be waived by the parties and, with the consent of the Director, the matter submitted to him for decision.

(f) A claim shall be dismissed when it appears that there is no genuine issue as to any material fact and the claim cannot be allowed as a matter of law or when the claim has been abandoned.

(g) A claim shall be deemed abandoned when after request to do so the claimant has not furnished relevent information in support of his claim, or where by virtue of his failure to respond to inquiries regarding the claim it appears that he does not wish to pursue it further. The Hearing Examiner may on his own motion enter a recommended order dismissing a docketed claim as abandoned when the claimant fails to produce any information or document ordered so produced by the Hearing Examiner.

(h) All decisions or orders of the Hearing Examiners on motions to dismiss shall be recommended decisions or orders only and shall be subject to review in accordance with the provisions of § 502.23.

(i) The Chief of the Claims Administration Section may serve a notice upon the claimant that, after the expiration of a time fixed in the notice, which time shall not be less than thirty (30) days, he intends to apply to the Director for an order dismissing the claim. The notice shall state the grounds for dismissal and the claimant may, within the time indicated in the notice, file a statement specifying his objections to dismissal, together with his reasons in support thereof; any evidence or other material in support of the claim which has not previously been filed with this Office shall be filed by the claimant with the statement of objections. Upon application by the Chief of the Claims Administration Section for an Order dismissing the claim, the Director will consider the objections if any which may have been filed. The Director thereafter may remand the application to the Chief of the Claims Administration Section for further proceeding under the rules in this part, or in the case of non-excepted claims if it appears to him that there is no genuine issue may issue an order dismissing the claim. In cases of excepted claims where the Director is of the opinion there is no genuine issue he shall transmit the record together with any objections which have been filed to the dismissal of the claim to the Attorney General, and upon approval by the Attorney General, the Director shall enter an order dismissing the claim.

§ 502.26 Service.

(a) *By the Chief Hearing Examiner.* Decisions, notices of hearing, and orders shall be served by the Chief Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the claimant, his agent or attorney. Notices of all other actions may be served by ordinary mail, except where other methods are specifically required by the rules of this part. When service is not made by registered mail, it may be made by anyone duly authorized by the Chief Hearing Examiner by delivering a copy thereof at the principal place of business of the party to be served within reasonable office hours. The return of the person making service shall be proof of such service.

(b) *By the Chief of the Trial Section or by the Chief of the Claims Administration Section.* Service by the Chief of the Trial Section of a notice of the date and place of hearing of a motion or by the Chief of the Claims Administration Section of a notice pursuant to § 502.25 (i) shall be by registered mail.

(c) *By the Director.* Any action taken by the Attorney General or the Director in a claim proceeding shall be served by the Director in the manner provided in paragraph (a) of this section.

(d) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Director or Hearing Examiner, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing except as otherwise provided by the rules of this part.

(e) *Service upon attorneys or agents.* When any party has appeared by attorney or agent, service upon the attorney or agent shall be deemed service upon the party.

(f) *Date of service.* The date of service shall be the day when the matter is deposited in the United States mail or delivered in person, as the case may be.

§ 502.27 Computation of time.

In computing any period of time prescribed or allowed by this part, the last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the last day which is neither a Saturday, Sunday nor legal holiday.

§ 502.28 Continuances and extensions.

Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Attorney General, the Director, Chief Hearing Examiner or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§ 502.29 Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.

Notices of Claim for Return of Property heretofore filed by depositors of the Yokohama Specie Bank, Ltd., Honolulu Branch, in respect of principal and interest accruing to the date of the closing of said bank on December 7, 1941, shall be considered as including Notices of Claim for Payment of Debt under section 34 of the act covering interest accruing subsequent to the closing of said bank. Releases and receipts executed by such claimants on account of return orders issued in connection with their Notices of Claim for Return of Property shall not be a bar to the allowance of their debt claims for post-closing interest in the event the Director subsequently determines that such post-closing interest is payable. The foregoing shall not be construed as a present determination by the Director as to the validity of such debt claims. (E.O. 9567, June 8, 1945, 10 F.R. 6917; 3 CFR, 1945 Supp.)

§ 502.30 Filing of claim as condition precedent to suit under the Trading With the Enemy Act, as amended.

The filing heretofore or hereafter, of a claim under section 32 of the Trading With the Enemy Act, as amended, shall constitute the filing of notice required by Section 9 of that act as a condition precedent to the filing of a suit in equity for the return of property vested in or transferred to the Attorney General of the United States pursuant to that act.

§ 502.31 Effect of disallowance of claim in determining period of limitations for filing suit under the Trading With the Enemy Act, as amended.

The final disallowance under the rules of this part of any claim for the return of property filed under the Trading With the Enemy Act, as amended, shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of that act, within which a suit pursuant to section 9 of that act may be instituted.

Subpart B—Title Claims

§ 502.100 Definitions.

As used in §§ 502.100 to 502.110, applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36(d) of the Trading With the Enemy Act, as amended, or section 212(d) of the International Claims Settlement Act of 1949, as amended.

(b) The term "national interest" means the interest of the United States under section 32(a)(5) of the Trading With the Enemy Act, as amended.

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 502.101 Order of processing.

Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 502.102 Procedure for allowance without hearing.

(a) The Chief of the Claims Administration Section may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto, and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the claim shall be returned to the Director for further proceedings in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance, the claim shall be remanded to the Chief of the Claims Administration Section for such action as may be appropriate.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Administration Section makes no recommendation with respect to taxes or conservatory expenses. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 502.103 Requirement for hearing.

No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25(i), § 502.102 or § 502.105.

§ 502.104 Hearing calendar.

The Chief Hearing Examiner shall maintain a hearing calendar and docket of all docketed claim proceedings.

§ 502.105 National interest under the Trading With the Enemy Act, as amended.

(a) In the case of non-excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest pursuant to section 32(a)(5) of the Trading With the Enemy Act, as amended, he may (1) by order disallow the claim by citation of this section, or (2) by order suspend, for a fixed or indefinite time, further action by the Office in the claim proceeding by citation of this section. In the case of excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest as aforesaid he shall transmit the record to the Attorney General for his consideration and the Attorney General may (1) by order disallow the claim by citation of this section, (2) by order suspend for a fixed or indefinite time further action by the Office of Alien Property in the claim proceeding by citation of this section, or (3) return the claim to the Director for such action as the Attorney General deems appropriate.

(b) The Director may direct with respect to any question of fact relating to national interest, that a hearing be held before himself, a Hearing Examiner or such other person or persons as he may designate. In such a hearing the officer or officers shall prepare recommended findings of fact only which shall be submitted to the Director with a transcript of the hearing.

§ 502.106 Publication of notice of intention to return vested property under the Trading With the Enemy Act, as amended.

In compliance with section 32(f) of the Trading With the Enemy Act, as amended, prior to the return of vested property the Director will issue and file for publication with the FEDERAL REGISTER a notice of intention to return vested property, except that no such notice need be published where the return is to be made to a resident of the United States or a corporation organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia.

§ 502.107 Revocation of notice of intention to return vested property under the Trading With the Enemy Act, as amended.

(a) The notice of intention to return vested property may be revoked by the Director at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 502.108 Return order.

Where no notice of intention to return vested property has been issued, an order directing return will issue at the time the claim is allowed or as soon thereafter as practicable. Where notice of intention to return vested property has been issued under the Trading With the Enemy Act, as amended, an order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice, except where the notice has been revoked in accordance with § 502.107.

§ 502.109 Final audit.

Prior to making full and final return of property pursuant to return order, a final audit with respect to the property involved will be made. Any transaction occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 502.110 Return of vested property.

After issuance of the return order, completion of the final audit and final administrative determination with respect to taxes, fees and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Director shall determine acknowledging receipt of the property returned.

Subpart C—Debt Claims

§ 502.200 Definitions.

As used in §§ 502.200 to 502.205 applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(b) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes.

(c) The term "expenses" means the amount of the expenses of the Office of Alien Property, the former Office of Alien Property Custodian, and the former Philippine Alien Property Administration, including both expenses in connection with vested property of the debtor involved and such portion as the Director shall fix of the other expenses of these agencies, and such amount, if any, as the Director may establish as a cash reserve for the future payment of such expenses.

(d) The term "taxes" means taxes as defined in section 36(d) of the Trading With the Enemy Act, as amended, or section 212(d) of the International Claims Settlement Act of 1949, as amended, and includes taxes paid by the Director in respect of vested property of the debtor involved and such amount, if any, as the Director may establish as a cash reserve for the future payment of such taxes.

(e) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(f) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor,

(g) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 502.201 Procedure for allowance and payment without hearing of claims against debtors' solvent estates.

(a) With respect to claims against debtors' solvent estates, the Chief of the Claims Administration Section may initiate a proceeding for allowance of a claim, or a separable part thereof which he deems entitled to allowance, without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims, the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the Attorney General shall return the claim to the Director for further proceeding in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance the claim shall be remanded to the Chief of the Claims Administration Section for such action as may be appropriate.

§ 502.202 Claims against debtors' insolvent estates.

(a) Notices of claims filed with this Office against a particular debtor's insolvent estate shall be available for inspection by all claimants in respect of such estate in accordance with the provisions of § 503.1(b) of this chapter.

(b) With respect to claims against a particular debtor's insolvent estate the Chief of the Claims Administration Section may submit to the Director a recommendation for allowance of any claim or a separable part thereof which he deems entitled to allowance. The record shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance. All such claims submitted to the Director shall be dealt with by him or the Attorney General in accordance with the procedures set forth in § 502.201 (c) and (d).

(c) Where the Chief of the Claims Administration Section concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, he shall refer the claim to the Chief of the Trial Section and the latter shall docket it for hearing. At such hearing any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the provisions of § 502.5. The recommended decision of a Hearing Examiner with respect to the claim is subject to review in accordance with the provisions of § 502.23.

(d) The Director may issue a tentative schedule showing all debt claims proposed to be allowed by him with the priorities assigned thereto and the payment to be made to each claimant. Notice of the issuance of the tentative schedule shall in the manner provided by § 502.26 be served on all claimants in respect of the particular debtor's estate, whose claims are then pending, together with notice that objections to such tentative schedule may be filed within the period prescribed in the notice, which period shall not be less than thirty (30) days. The tentative schedule shall be made available for inspection at the Office of Alien Property, Washington, D.C. With the consent of all claimants, the tentative schedule may be omitted.

(e) The Director shall consider any objection to the tentative schedule that may have been timely filed, and shall take such action as may be appropriate. As soon thereafter as appropriate, the Director shall as required by section 34(f) of the Trading With the Enemy Act, as amended, or section 208(f) of the International Claims Settlement Act of 1949, as amended, prepare and serve by registered mail on all claimants in respect of a particular debtor's insolvent estate, a final schedule of the debt claims allowed, with priorities assigned thereto, and the proposed payment to each claimant.

(f) The Director may issue a tentative schedule and a final schedule limited to claims, payment of which, in accordance with the priorities assigned thereto by the Director pursuant to the provisions of section 34(g) of the Trading With the Enemy Act, as amended, or section 208(g) of the International Claims Settlement Act of 1949, as amended, would not adversely affect the payment of any other claim in respect of the particular debtor's insolvent estate.

§ 502.203 Requirement for hearing.

No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25(i), § 502.201 or § 502.202.

§ 502.204 Payment of allowed claims.

As soon as practicable after the allowance of a claim, in whole or in part, the claim will be paid to the extent allowed: *Provided, however,* That with respect to claims against a debtor's insolvent estate, pending determination of any complaint for review filed under section 34(f) of the Trading With the Enemy Act, as amended, or section 208(f) of the International Claims Settlement Act of 1949, as amended, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

§ 502.205 Future payments.

If additional monies become available for the payment of claims after the first payment on allowed claims in respect of a debtor's insolvent estate, the Director shall order further payments in accordance with the final schedule theretofore issued by him, or as modified on review under section 34(f) of the Trading With the Enemy Act, as amended, or section 208(f) of the International Claims Settlement Act of 1949, as amended.

Subpart D—General Claims

§ 502.300 General claims.

All claims against the Attorney General of the United States relating to the Office of Alien Property or against his predecessors, the Alien Property Custodian and the Philippine Alien Property Administrator, other than title and debt claims as defined in § 502.2 (e) and (f) shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Director of the Office of Alien Property containing a statement of the details of the claim.

Executed at Washington, D.C., on July 1, 1959.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 59-5674; Filed, July 8, 1959; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis-free areas is amended in the following respects:

1. The paragraph headed "Arkansas" is amended to read:

Arkansas: Baxter, Benton, Boone, Carroll, Clark, Cleburne, Columbia, Dallas, Fulton, Garland, Grant, Hempstead, Hot Spring, Independence, Izard, Johnson, Lafayette, Madison, Marion, Montgomery, Nevada, Newton, Perry, Pike, Polk, Pope, Saline, Scott, Searcy, Sharp, Stone, Van Buren, Washington, and Yell Counties;

2. The paragraph headed "California" is amended to read:

California: Alpine, Colusa, Del Norte, Humboldt, Inyo, Lassen, Marin, Modoc, Mono, Sierra and Trinity Counties;

3. The paragraph headed "Colorado" is amended to read:

Colorado: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, LaPlata, Mesa, Montezuma, Montrose, Ouray, Pitkin, Rio Grande, Saguache, San Juan, San Miguel, and Sedwick Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation.

4. The paragraph headed "Florida" is amended to read:

Florida: Baker, Bay, Calhoun, Columbia, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

5. The paragraph headed "Georgia" is amended to read:

Georgia: Appling, Atkinson, Bacon, Baldwin, Banks, Barrow, Ben Hill, Berrien, Brantley, Brooks, Bryan, Bullock, Burke, Butts, Candler, Carroll, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Coffee, Colquitt, Columbia, Cook, Crawford, Dade, Dawson, DeKalb, Dodge, Douglas, Early, Echols, Elbert, Evans, Fannin, Forsyth, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Irwin, Jackson, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Liberty, Lincoln, Lowndes, Long, Lumpkin, Madison, Marion, Meriwether, Miller, Monroe, Montgomery, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pierce, Pike, Polk, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Spalding, Stephens, Talbot, Tattnall, Taylor, Telfair, Tift, Toombs, Towns, Truetlen, Troup, Turner, Twiggs, Union, Upson, Walker, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkinson, and Worth Counties;

6. The paragraph headed "Idaho" is amended to read:

Idaho: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Gooding, Idaho, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Valley, and Washington Counties; and Fort Hill Indian Reservation;

7. The paragraph headed "Illinois" is amended to read:

Illinois: Boone, Bureau, Champaign, Clay, Clinton, Coles, Cook, Cumberland, DeKalb, DuPage, Edgar, Effingham, Ford, Greene, Grundy, Kane, Kankakee, Kendall, Lake, LaSalle, Lawrence, Lee, Livingston, McHenry, McLean, Macon, Monroe, Moultrie, Ogle, Perry, Stephenson, Vermilion, Wabash, Will, and Winnebago Counties;

8. The paragraph headed "Indiana" is amended to read:

Indiana: Adams, Allen, Benton, Blackford, Brown, Cass, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DeKalb, Delaware, Dubois, Elkhart, Floyd, Fulton, Grant, Hancock, Harrison, Howard, Huntington, Jay, Lagrange, Lake, LaPorte, Madison, Marion; Marshall, Martin, Noble, Orange, Parke, Perry, Pike, Porter, Posey, Pulaski, Randolph, St. Joseph, Spencer, Starke, Steuben, Sullivan, Union, Vanderburgh, Vermillion, Wabash, Warrick, Wells, and Whitley Counties;

9. The paragraph headed "Kentucky" is amended to read:

Kentucky: Anderson, Galloway, Campbell, Elliott, Graves, Greenup, Hopkins, Jackson, Lawrence, Metcalfe, Morgan, Rockcastle, Rowan, Simpson, Todd, Trigg, Trimble, Warren, and Wolfe Counties;

10. The paragraph headed "Mississippi" is amended to read:

Mississippi: Alcorn, Attala, Choctaw, Clay, Forrest, George, Greene, Hancock, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lee, Newton, Neshoba, Oktibbeha, Perry, Pike, Pontotoc, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Winston, and Yalobusha Counties;

11. The paragraph headed "Missouri" is amended to read:

Missouri: Andrew, Barry, Bollinger, Boone, Butler, Cape Girardeau, Carroll, Chariton, Christian, Dade, Dent, Franklin, Greene, Jackson, Jasper, Jefferson, Lawrence, Monroe, Montgomery, Oregon, Osage, Perry, Pettis, Putnam, Ralls, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, Shelby, Texas, Webster, Worth, and Wright Counties;

12. The paragraph headed "Montana" is amended to read:

Montana: Beaverhead, Blaine, Carbon, Carter, Cascade, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Rivalli, Richland, Roosevelt, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

13. The paragraph headed "Nebraska" is amended to read:

Nebraska: Adams, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Franklin, Gage, Hall, Hamilton, Harlan, Howard, Johnson, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

14. The paragraph headed "New York" is amended to read:

New York: Albany, Allegany, Bronx, Broome, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Greene, Hamilton, Jefferson, Kings, Lewis, Nassau, Niagara, Onondaga, Orange, Oswego, Otsego, Putnam, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington, and Westchester Counties;

15. The paragraph headed "Ohio" is amended to read:

Ohio: Athens, Belmont, Carroll, Columbiana, Cuyahoga, Fulton, Guernsey, Hancock, Henry, Hocking, Jackson, Mahoning, Meigs, Monroe, Morrow, Noble, Ottawa, Paulding, Putnam, Scioto, Seneca, Tuscarawas, Van Wert, Vinton, Washington, Wood, and Wyandot Counties;

16. The paragraph headed "Oregon" is amended to read:

Oregon: Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Deschutes, Douglas, Grant Hood River, Jackson, Jefferson, Josephine, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wasco, Washington, Wheeler, and Yamhill Counties; and Warm Springs Indian Reservation;

17. The paragraph headed "Tennessee" is amended to read:

Tennessee: Anderson, Bedford, Benton, Bledsoe, Bradley, Campbell, Carroll, Carter, Cheatham, Chester, Claiborne, Clay, Cocke, Davidson, Decatur, DeKalb, Dickson, Dyer, Fentress, Franklin, Gibson, Giles, Grundy, Hamilton, Hancock, Hardeman, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, McNairy, Macon, Madison, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Rutherford, Scott, Shelby, Smith, Stewart, Sullivan, Tipton, Trousdale, Unicoi, Union, Wayne, Weakley, Williamson, and Wilson Counties;

18. The paragraph headed "Virginia" is amended to read:

Virginia: Accomack, Alleghany, Arlington, Bath, Bland, Brunswick, Buchanan, Buckingham, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Essex, Fairfax, Giles, Gloucester, Hanover, Henrico, Highland, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Lee, Loudoun, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince William, Princess Anne, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, Wise, Wythe, and York Counties, and City of Hampton;

19. The paragraph headed "West Virginia" is amended to read:

West Virginia: Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lincoln, Logan, McDowell, Marion, Marshall, Mason, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne,

Webster, Wetzel, Wirt, Wood, and Wyoming Counties;

20. The paragraph headed "Wyoming" is amended to read:

Wyoming: Big Horn, Fremont, Lincoln, Park, Uinta and Weston Counties; and Lower Arapacho Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Lemhi County in Idaho, Lewis and Clark, and Liberty Counties in Montana, and Jefferson County in Nebraska from the list of areas designated as modified certified brucellosis-free areas, because it has been determined that such counties no longer come within the definition of § 78.1(i), and adds certain additional areas which have been determined to come within such definition.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1959.

F. J. MULHERN,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 59–5671; Filed, July 8, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

Subchapter C—Aircraft Regulations

[Regulatory Docket No. 52; Amdt. 29]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to permit inspection at regular maintenance bases and to exempt new aircraft now being delivered as well as aircraft modified in accordance with Lockheed Bulletin SB 262, it is necessary to issue a new directive for Allison engines, 501–D13, which supersedes AD 59–11–1 (24 F.R. 4652).

As a result of cracks which have developed in the aileron balance weight attachment bulkheads on Piper PA–24 aircraft, reinforcement is necessary.

To determine if cracks are present outboard of Number 2 and Number 3 nacelle attach angle which require repair on Lockheed 188 aircraft, an early inspection is required.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directives:

59–13–1 ALLISON. Applies to Allison 501–D13 and –D13A engines.

Compliance required as indicated.

Seven recent cases of spalling of the propeller shaft roller bearing on Allison 501–D13 engines necessitates a continuity check using a probe be made of the reduction gear magnetic plug at least every 10 hours on engine installations not modified in accordance with Allison Commercial Engine Bulletin 72–74 and Lockheed Bulletin SB 262. This check is necessary due to high bearing loads caused by propeller during certain aircraft flight conditions. If metal chips are found as described in Allison Maintenance Manual, section 72–0, paragraph 8B, page 219, remove gearbox.

This supersedes AD 59–11–1.

59–13–2 PIPER. Applies to Models PA–24 and PA–24 "250" aircraft Serial Numbers 24–1 to 24–978 inclusive and 24–980.

Compliance required within the next 100 hours of operation or by October 1, 1959, whichever occurs first.

Service experience indicates that cracks have developed in the aileron balance weight attachment bulkheads. These bulkheads are riveted to the front spar of the aileron and are the supports to which the balance weight arm is attached. To reduce the probability of failure of the aileron balance weight arm attachment install reinforced bulkheads on both ailerons except on Serial Number 24–980 replace the balance weight attachment bulkhead on right aileron only.

(Piper Service Bulletin No. 173 also covers this subject and states "Service Kit, Part Number 734 233, is available from your nearest Piper distributor or dealer free of charge if the airframe serial number is included on the purchase order.")

59–13–3 LOCKHEED. Applies to all Lockheed 188 aircraft.

Compliance required as indicated.

At the earliest opportunity where maintenance facilities are available, visually inspect the Number 4 plank left and right hand upper surface for cracks outboard of Number 2 and Number 3 nacelle attach angle, particularly leading edge area of plank. Repeat inspection daily. If crack is discovered, approved repair required prior to further scheduled operation. Permissible to one-time ferry to main base for repairs.

Issued in Washington, D.C., on July 1, 1959.

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5657; Filed, July 8, 1959; 8:45 a.m.]

[Regulatory Docket No. 51; Amdt. 22]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C59, Airborne Selective Calling Equipment; TSO–C60, Airborne Loran A Receiving Equipment

Proposed §§ 514.64 and 514.65 establishing minimum performance standards for selective calling and Loran A receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations were published in 24 F.R. 3700.

Interested persons have been afforded an opportunity to participate in the making of the rules. No comments were received.

In consideration of the foregoing, Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows effective on the dates indicated:

1. Section 514.64 is added as follows:

§ 514.64 Airborne selective calling equipment (for air carrier aircraft)—TSO–C59.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne selective calling equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne selective calling equipment manufactured for use on civil air carrier aircraft on or after July 31, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Selective Calling Equipment," Paper 25–59/DO–93 dated February 10, 1959.[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [1] which is incorporated by reference in and thus is a part of Paper 25–59/DO–93 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne selective calling equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 25–59/DO–93, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne selective calling equipment approved prior to July 31, 1959, may continue to be manufactured under the provisions of its original approval.

Effective date. July 31, 1959.

2. Section 514.65 is added as follows:

§ 514.65 Airborne Loran A receiving equipment operating within the radio-frequency range of 1800–2000 kilocycles (for air carrier aircraft)—TSO–C60.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne Loran A receiving equipment operating within the radio-frequency range of 1800–2000 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne Loran A receiving equipment manufactured for use on civil air carrier aircraft on or after July 31, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Loran A Receiving Equipment Operating Within the Radio-Frequency Range of 1800–2000 Kilocycles" (Paper 226–58/DO–92[2] dated November 18, 1958). Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[2] which is incorporated by reference in and thus is a part of Paper 226–58/DO–92 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne Loran A receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne Loran A receiving equipment approved prior to July 31, 1959, may continue to be manufactured under the provisions of its original approval.

Effective date. July 31, 1959.

Issued in Washington, D.C., on July 1, 1959.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 601, 72 Stat. 775; 49 U.S.C. 1421)

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5656; Filed, July 8, 1959; 8:45 a.m.]

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 226–58/DO–92, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

[9th Gen. Rev. of Export Regs. Amdt. 19[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 381—ENFORCEMENT PROVISIONS

PART 382—DENIAL OF EXPORT PRIVILEGES

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

§ 371.13 [Amendment]

1. In § 371.13 *General license SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES,* paragraph (d) *General license REGISTERED CARRIER STORES* is amended to read as follows. The notes following paragraph (d) remain unamended.

(d) *General license REGISTERED CARRIER STORES.* (1) A general license designated REGISTERED CARRIER STORES is hereby established, authorizing exportations to any destination except a destination in Subgroup A, of certain commodities for use by or on a vessel or plane of United States or Canadian registry located at a port outside the United States or Canada; *Provided,* That such commodities are (i) shipped as cargo under a Bill of Lading; (ii) in usual and reasonable kinds and quantities; (iii) ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel or plane; or ordered by a United States or Canadian air carrier and consigned to its own installation or agent abroad to be used for the maintenance, repair, or operation of aircraft which are owned or operated by the air carrier and which are registered in either the United States or Canada; (iv) not intended for unlading in a foreign country except for transshipment and delivery to the vessel, plane or to the installation or agent of a United States or Canadian air carrier to which they are consigned; and (v) covered by such declarations as are required to be filed by § 379.1(a)(2) of this chapter.

(2) Commodities exported to a United States or Canadian air carrier installation or agent abroad in accordance with the provisions of subparagraph (1)(iii) of this paragraph, may be used

[1] This amendment was published in Current Export Bulletin 817, dated July 2, 1959.

or reexported for the maintenance, repair or operation of any aircraft of United States or Canadian registry, regardless of whether such aircraft are owned or operated by the exporting air carrier, provided that the commodities are not used for, or not reexported for use of, any aircraft located in, leased to, or under charter to a Subgroup A country or a national thereof.

(3) Only commodities described in paragraph (a) of this section may be exported to vessels of United States or Canadian registry located at a port outside the United States or Canada, and only articles described in paragraph (b) of this section may be exported to planes of United States or Canadian registry located outside the United States or Canada.

(4) In addition, commodities may be exported to vessels or planes of United States or Canadian registry located outside the United States or Canada pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship or plane are located.

§ 371.15 [Amendment]

2. In § 371.15 *General license GLC; exportations of commercial vehicles by certain civil airlines and by private or common carriers,* paragraph (a) *air carriers* is amended to read as follows:

(a) *Air carriers.* Civil aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate, or Air Taxi Operating Certificate issued by the Federal Aviation Agency may depart from the United States for any destination other than a destination in Subgroup A, except that United States registered aircraft shall not depart for the purpose of sale, resale, lease, charter or any other disposition abroad.

NOTE: This provision is not intended to prevent an otherwise eligible United States registered aircraft from departing from the United States under General License GLC for the purpose of conducting a round trip flight to a foreign country(ies) and subsequent return to the United States.

§ 371.25 [Amendment]

3. In § 371.25 *General license GATS; aircraft on temporary sojourn,* paragraph (b) *United States registered aircraft* is amended to read as follows:

(b) *United States registered aircraft.* A civil aircraft of United States registry may depart from the United States on temporary sojourn under the conditions set forth in subparagraphs (1) and (2) of this paragraph.

(1) United States civil aircraft may depart from the United States for any destination except Poland (including Danzig) or a destination in Subgroup A, provided that:

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a United States licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Bureau of Foreign Commerce;

(v) The aircraft's United States registration shall not be changed while abroad.

(2) Where it is decided that the aircraft or any of its equipment, parts, accessories or components will be sold or leased abroad, or is not to be returned to the United States for any other reason, request shall be made to the Bureau of Foreign Commerce for authorization of such disposition. The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for non-return to the United States, the country in which the aircraft will be registered, the commodity description, Schedule B number of the commodity, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition, the request shall be accompanied by all documents which would be required in support of an export license for shipment of the same commodity directly from the United States to the proposed destination. If the request for authorization of non-return of the aircraft is approved, the Bureau of Foreign Commerce will stamp the letter of request with the validation stamp of the Department of Commerce and return one validated copy to the applicant. Where the request is not approved by the BFC, the applicant will be advised by letter.

NOTE: Where the Bureau of Foreign Commerce approves the non-return of the aircraft to the United States and the aircraft is disposed of abroad, the required Shipper's Export Declaration may be submitted to a Collector of Customs located at any port in the Customs District from which the aircraft departed.

§ 371.52 [Amendment]

4. In § 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO,* footnote 1 referring to special types of alloy steel is amended to read as follows:

[1] The "special types" of alloy steel covered by this entry include steels with any of the following characteristics: (1) All nickel-bearing alloy steels, (2) alloys containing 6 percent up to 10 percent molybdenum, (3) alloys containing 3 up to 5 percent molybdenum and 14 percent chromium, (4) alloys containing 0.25 up to 1.5 percent columbium and/or tantalum, (5) alloy steel mill products (including stainless), semi-finished and finished made from steel of the vacuum melt process. (For other "special types" of alloy steel under this Schedule B number which require validated license for shipments to Poland (including Danzig), see Positive List § 399.1 of this chapter.)

§ 373.2 [Amendment]

5. In § 373.2 *Confirmation of country of ultimate destination and verification of actual delivery,* paragraph (c) *Special provisions for Hong Kong* is amended by revoking subparagraph (3), and paragraph (d) *Submission of Import Certificate* is amended by substituting the following Note for the Note appearing after subparagraph (1) (i):

NOTE: 1. *Reproduced copy of Import Certificate not acceptable.* As indicated above, the original import certificate, whether a Single Transaction or Multiple Transaction Import Certificate, shall be attached to the license application. A reproduced copy (photostat or other type) of the import certificate will not be accepted by the Bureau of Foreign Commerce.

2. *Use of Positive List commodity description.* In requesting an import certificate from his foreign consignee, whether a Single Transaction or Multiple Transaction Import Certificate, the United States exporter should furnish his consignee the commodity description shown on the Positive List and advise him to use this description when applying for the import certificate from his government. The use of this commodity description will expedite the issuance of the import certificate.

and the following Note is added after subparagraph (2):

NOTE: See Notes 1 and 2 following § 373.2(d) (1) (i).

6. Section 373.51 *Spare parts accompanying aircraft* is added to read as follows:

§ 373.51 Spare parts accompanying aircraft.

Notwithstanding the provisions of paragraphs (a), (e) and (f) of § 372.5 of this chapter where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Poland (including Danzig) or a Subgroup A destination, the applicant may (a) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group numbers; (b) show on the application the total value of the accompanying spare parts without the necessity for indicating the value of each Schedule B entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Schedule B number. The provisions of this section do not relieve the applicant from classifying the commodities shown on the application in accordance with Schedule B or from describing the commodities in accordance with Positive List or Schedule B commodity description terminology.

§ 379.1 [Amendment]

7. In § 379.1 *General Export clearance requirements,* paragraph (b) *Exportations by mail* is amended by substituting "$50" for "$25" in subparagraph (2) (i).

§ 379.3 [Amendment]

8. In §379.3 *Presentation of shipper's export declaration,* paragraph (c) *Number of copies to be presented* is amended by substituting "$50" for "$25" in subparagraph (2) (i).

§ 381.1 [Amendment]

9. In § 381.1 *Sanctions,* paragraph (a) is amended to read as follows:

(a) Any person who violates the Export Control Law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than $10,000 or by imprisonment for not more than one year, or both. A violator of any law, order, regulation, or license relating to export controls is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the Export Control Law, and to exclusion from practice before the Bureau of Foreign Commerce.

10. Section 381.3 *Conspiracy, attempt, and solicitation to violate* is amended to read as follows:

§ 381.3 Solicitation, attempt, and conspiracy.

(a) *Solicitation and attempt.* No person may do any act which solicits the commission of, or which constitutes an attempt to bring about, a violation of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder.

(b) *Conspiracy.* No person may conspire or act in concert with one or more persons in any manner or for any purpose to bring about or to do any act which constitutes a violation of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder.

§ 381.10 [Amendment]

11. The heading of § 381.10 is revised to read *Transactions with persons subject to denial orders.*

§ 382.51 [Amendment]

12. In § 382.51 *Supplement 1; Table of denial and probation orders currently in effect,* paragraph (b) *Table of denial and probation orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Byrrild-Steffensen, Benny, Warburgstrasse 33, Hamburg 36, Federal Republic of Germany.	1-14-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Alf Tomsen & Co., which see.)	24 F.R. 438, 1-17-59. 24 F.R. 3803, 5-12-59.
Davis Electrical and Radio Accessories Ltd., Central Hall, 16 Drayton Park, N5, London, England.	5-1-53	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2659, 5-7-53.
Gevirtzmann, Fanny, Gevirtzmann, Mosche, Central Hall, 16 Drayton Park, N5, London, England.	5-1-53	do	do	18 F.R. 2659, 5-7-53.
Greco, Anthony, 25 Broadway, New York, N.Y.	7-1-59	8-31-59 (on probation 9-1-59—6-30-60).	do	24 F.R. 4382, 5-30-59.
Magna Mercantile Co., Inc., 25 Broadway, New York, N.Y.	7-1-59	do.[1]	do	24 F.R. 4382, 5-30-59.
Vinci, Vincent, 25 Broadway, New York, N.Y.	7-1-59	do.[1]	do	24 F.R. 4382, 5-30-59.

[1] Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

§ 385.2 [Amendment]

13. In § 385.2 *General licenses,* paragraph (b) *General license GTDU; unclassified technical data either unpublished or not generally available in published form* is amended by revising subparagraph (3) to read as follows:

(3) This general license shall not be applicable to technical data relating to the commodities described below in this subparagraph. However, operating and maintenance instructional material which relate to these commodities may be exported under this general license.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities; or

(ii) The following electronic commodities:

(*a*) Electrical and electronic instruments, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(*b*) Airborne transmitters, receivers, and transceivers, Schedule B number 70779.

(*c*) Airborne direction finding equipment, Schedule B number 70797.

(*d*) Airborne electronic navigation apparatus; airborne, ground and marine radar equipment, Schedule B number 70867.

This amendment shall become effective as of July 2, 1959, except that the amendments set forth in Parts 7 and 8 shall become effective as of July 1, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-5676; Filed, July 8, 1959; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7363]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Bonheur Co. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bonheur Company et al., Chicago, Ill., Docket 7363, June 11, 1959]

In the Matter of Frieda Baker, an Individual Doing Business as Bonheur Company, and Edward Baker, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors of domestically manufactured colognes and perfumes with representing falsely in advertising on labels and packaging of their products that fictitious prices were the usual retail prices, and, by use of French words and terms, that the products were compounded in France.

Upon failure of respondents to file an answer or to appear at the scheduled hearing, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Frieda Baker, individually and as sole proprietor trading as Bonheur Company, and Edward Baker, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes or any other cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products which advertisement:

(a) Contains or lists prices or amounts when such prices or amounts are in excess of the prices at which the products are usually and customarily sold at retail;

(b) Uses the term "C'est si Bon" or any other French word, term or depiction in connection with any such product not imported from France, or represents in any other manner, directly or indirectly, that any such product compounded in the United States has been imported from France;

(c) Uses the words "all essential oils imported from France" or represents in any other manner that all essential oils or other ingredients are imported from France or from any other country when some or all of them are of domestic origin or are not so imported.

2. Disseminating or causing to be disseminated any advertisement by any

means for the purpose of inducing or which was likely to induce directly or indirectly the purchase of respondents' products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

It is further ordered, That respondents Frieda Baker, individually and as sole proprietor trading as Bonheur Company, and Edward Baker, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes or any other related product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling or packaging of their products, or representing in any other manner that certain amounts are the regular and usual retail prices of their products, when such amounts are in excess of the prices at which such products are usually and customarily sold at retail;

2. Using the words or terms "Concentre Fabrique—Avec de France", "Concentre Fabrique—Avec Essences de France", "C'est si Bon" or any other French word, term or depiction on the label or in the labeling or packaging of any such products which are not compounded in France, or representing in any other manner, directly or indirectly, that any such products compounded in the United States, were compounded in France.

3. Placing in the hands of others any means or instrumentality by or through which they may mislead the public as to any of the matters set out in Paragraphs 1 and 2 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5664; Filed, July 8, 1959; 8:46 a.m.]

[Docket 7364]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H & S Associates et al.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H & S Associates, Chicago, Ill., Docket 7364, June 11, 1959]

In the Matter of Seymour Galter, Mitchell Handelman, Max D. Handelman, Individually and as Copartners Doing Business as H & S Associates

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors of perfumes and colognes with representing falsely on labels and packaging of their products that fictitious excessive prices were the usual retail prices, and, by use of French words, that the products were compounded in France.

Respondents having failed to appear at the scheduled hearing, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Seymour Galter, Mitchell S. Handelman and Max D. Handelman, individually and as copartners doing business as H & S Associates, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters, colognes or any other related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling or packaging of their products, or representing in any other manner that certain amounts are the regular and usual retail prices of their products, when such amounts are in excess of the prices at which such products are usually and customarily sold at retail;

2. Using the words or terms "Concentre Fabrique—Avec de France", "Concentre Fabrique—Avec Essences de France", "C'est si Bon" or any other French word, term or depiction on the label or in the labeling or packaging of any such products which are not compounded in France, or representing in any other manner, directly or indirectly, that any such products compounded in the United States, were compounded in France.

3. Placing in the hands of others any means or instrumentality by or through which they may mislead the public as to any of the matters set out in Paragraphs 1 and 2 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commisson a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5665; Filed, July 8, 1959; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146A—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.85, 146a.104 (21 CFR, 1958 Supp., 24 F.R. 967), 146a.108 (21 CFR, 1958 Supp.)) are amended as set forth below.

1. In § 146a.85 *Benzathine-procaine-buffered crystalline penicillins for aqueous injection,* paragraph (c) is amended by changing the comma after the words "penicillin G in the immediate container" to a period and by deleting the remainder of the paragraph.

2. In § 146a.104 *Penicillin V for oral suspension* * * *, paragraph (c) (1) (iv) is amended by changing the period at the end of the subdivision to a comma and adding the following new clause: "and except that the blank may be filled in with the date that is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

3. In § 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil;* * * *, paragraph (b), the first sentence is amended by changing the period after the word "certified" to a comma and adding the following new clause: "except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 18 months, such date may be used for such drug."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for this amendment.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 30, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-5678; Filed, July 8, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Indian Irrigation Project, Idaho

JUNE 29, 1959.

On May 28, 1959, there was published in the daily issue of the FEDERAL REGISTER, Volume 24, Number 104, page 4305, a notice of intention to amend § 221.32 of Subchapter T, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands at the Fort Hall Indian Irrigation Project, Fort Hall, Idaho. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, within thirty days from the date of publication of the notice. No comments have been received. Accordingly, § 221.32 *Basic water charge,* of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter T, Operation and Maintenance Assessments, is amended as follows:

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions for the act of March 1, 1907 (34 Stat. 1024), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1960 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Projects	$3.75
(2) Minor Units, Fort Hall	1.25

(b) In addition to the foregoing charges, there shall be collected annually a minimum charge of $5.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $8.75.

(c) Indian lands, leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385)

PERRY E. SKARRA,
Acting Area Director.

[F.R. Doc. 59-5667; Filed, July 8, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6395]

PART 240—WINE

Miscellaneous Amendments

On June 11, 1959, a notice of proposed rule making with respect to the amendment of the regulations in 26 CFR Part 240 was published in the FEDERAL REGISTER (24 F.R. 4736). The amendments would conform the regulations to applicable provisions of the Internal Revenue Code of 1954, as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (P.L. 85-859, 72 Stat. 1313) and provide for the use of liquid sugar and invert sugar syrup.

In accordance with the notice interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No objections were received within the period of 15 days prescribed in the notice. However, it has been determined administratively to make simplifying, liberalizing, and clarifying changes in the proposed amendments in respect of (1) the definitions of "liquid sugar" and "invert sugar syrup"; (2) the procedure for adjusting the total solids content and reducing the natural fixed acid content of juice; (3) the procedure for the use of carbon dioxide in still wines; and (4) the procedure for the return to bond of unmerchantable taxpaid wine. Accordingly, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

1. a. Paragraph 7 of the notice is changed as follows:

(A) By changing the first sentence of proposed § 240.40a to read "Liquid sugar shall mean that grade of commercially available sugar syrup which is a substantially colorless solution containing not less than 60 percent sugar by weight (60 degrees Brix)."; and

(B) By changing the last sentence of proposed § 240.40b to read "It shall be a substantially colorless solution containing not less than 60 percent sugar by weight (60 degrees Brix).".

b. Paragraph 8 of the notice is changed by striking in the proposed § 240.49 the figure "240.536" and inserting in lieu thereof the figure "240.534".

2. Section 240.407 is revised.

3. Section 240.529 is amended by inserting in the "Reference or limitation" column immediately opposite the use for "Carbon Dioxide, CO_2", the reference "§§ 240.531 to 240.535"; and

4. Immediately after § 240.530 a new undesignated center head and new §§ 240.531 to 240.535 are added.

5. A new Subpart 00 consisting of §§ 240.800 through 240.808 is added.

Because this Treasury decision implements and effectuates changes made in Chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 2, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to conform the wine regulations (26 CFR Part 240) to the applicable provisions of the Internal Revenue Code of 1954 as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1313) and provide for the use of liquid sugar and invert sugar syrup, 26 CFR Part 240, Wine, is amended as follows:

1. By inserting a new section, reading as follows, immediately after § 240.10:

§ 240.10a Affiliated persons or firms.

"Affiliated persons or firms" shall mean any one or more bonded wine cellar proprietors associated as members of the same farm cooperative, or any one or more bonded wine cellar proprietors affiliated within the meaning of section 17(a)(5) of the Federal Alcohol Administration Act, as amended.

§ 240.13 [Amendment]

2. Section 240.13 is amended by adding, immediately after the phrase "of water and pure sugar," the words "or liquid sugar or invert sugar syrup,".

3. A new section, designated § 240.19a, is added, immediately following § 240.19, as follows:

§ 240.19a Distilled spirits plant.

"Distilled spirits plant" shall mean an establishment qualified under Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations. When used in this part, "distillery," "fruit distillery," "registered distillery," "internal revenue bonded warehouse," and "industrial alcohol plant" shall mean the bonded premises of a distilled spirits plant and "rectifying plant" and "taxpaid distilled spirits bottling house" shall mean the bottling premises of a distilled spirits plant.

4. Section 240.21 is amended to read as follows:

§ 240.21 Effervescent wine.

"Effervescent wine" shall mean sparkling wine and artificially carbonated wine and shall not include still wine as defined in this part.

§ 240.35 [Amendment]

5. Section 240.35 is amended by changing the period to a comma and adding, "whether or not produced by a predecessor in interest at such bonded wine cellar, and includes wine produced by fermentation in bonded wine cellars owned or controlled by the same or affiliated persons or firms when located within the same State."

6. A new section, designated § 240.36a, is added, reading as follows, immediately after §240.36:

§ 240.36a Person.

The term "person" shall mean an individual, trust, estate, partnership, association, company, or corporation.

7. Two new sections, designated §§ 240.40a and 240.40b, are added, immediately following § 240.40, reading as follows:

§ 240.40a Liquid sugar.

Liquid sugar shall mean that grade of commercially available sugar syrup which is a substantially colorless solution containing not less than 60 percent sugar by weight (60 degrees Brix). The sugar content shall be of not less than 95 percent purity calculated on a dry basis. The sugar may be partially or completely inverted in which case it is called invert sugar syrup or an invert type of liquid sugar.

§ 240.40b Invert sugar syrup.

Invert sugar syrup shall mean a solution of invert sugar which has been prepared by recognized methods of inversion from pure sugar. It shall be a substantially colorless solution and contain not less than 60 percent sugar by weight (60 degrees Brix).

8. Section 240.49 is amended to read as follows:

§ 240.49 Still wine.

"Still wine" shall mean nonefferves-cent wine, including those wines containing carbon dioxide as authorized in §§ 240.531 to 240.534, inclusive.

9. Section 240.55 is amended to read as follows:

§ 240.55 Wine spirits.

"Wine spirits", as authorized for use in wine production by section 5373, I.R.C., means brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from fresh or dried fruit, or their residues, or the wine or wine residues therefrom (except that where, in the production of natural wine, sugar has been used, the wine or residues thereof may not be used, if the unfermented sugars therein have been refermented). Such wine spirits shall not be reduced with water from the distillation proof, nor be distilled at less than 140 degrees of proof (except that commercial brandy aged in wood for a period of not less than 2 years, and barreled at not less than 100 degrees of proof, shall be deemed wine spirits for the purpose of this part).

10. A new section is added, immediately following § 240.55, to read as follows:

§ 240.55a Withdrawn without payment of tax.

"Withdrawn free of tax" wherever used in this part, except in reference to wine withdrawn under section 5362 (c) (7), (8), and (9), I.R.C., shall mean "withdrawn without payment of tax."

§ 240.208 [Amendment]

11. Section 240.208 is amended as follows:

(A) By striking the first word of the first sentence and inserting in lieu thereof the words "Except as provided in § 240.221a, every"; and

(B) By changing the citation to read "(72 Stat. 1349, 1379; 26 U.S.C. 5173, 5354)".

12. A new section is added, immediately after § 240.221, as follows:

§ 240.221a Combined operations bond.

Notwithstanding the provisions of §§ 240.208 and 240.221, any person intending to commence or continue business as proprietor of a bonded wine cellar and an adjacent distilled spirits plant qualified under Part 201 of this chapter for the production of distilled spirits shall, in lieu of the bond on Form 700 and the bonds required under the provisions of subsections (b) (other than the bond provided for in (b) (1) (C)), (c), and (d) of section 5173, I.R.C., as amended, give bond on Form 2601 in accordance with the applicable provisions of Part 201 of this chapter. (72 Stat. 1349; 26 U.S.C. 5173)

§ 240.273 [Amendment]

13. Section 240.273 is amended by striking the word "black" in the second sentence and inserting in lieu thereof the word "blue".

14. The heading of Subpart N, preceding § 240.340, is amended by adding at the end thereof the words "as wholesale and retail liquor dealers".

§ 240.340 [Amendment]

15. Section 240.340 is amended as follows:

(A) By amending the headnote to read "Payment of tax";

(B) By deleting "§ 240.341," and inserting in lieu thereof the reference "§§ 240.341 and 240.342a,";

(C) By deleting the words "or both"; and

(D) By changing the citation to read "(68A Stat. 846, 72 Stat. 1340, 1343, 1346; 26 U.S.C. 7011, 5111, 5112, 5121, 5122, 5142)".

16. Section 240.341 is amended to read as follows:

§ 240.341 Exemption of proprietor.

No proprietor of a bonded wine cellar shall be required to pay special tax as a wholesale or retail dealer in wines on account of the sale, at his principal business office, as designated in writing to the assistant regional commissioner, or at his bonded wine cellar, of wine which, at the time of sale, is stored at his bonded wine cellar or had been removed from such premises to a taxpaid storeroom the operations of which are integrated with the operations of such bonded wine cellar and which is contiguous or adjacent to, or in the immediate vicinity of, such premises. However, no such proprietor shall have more than one place of sale, as to each bonded wine cellar, that shall be exempt from special tax under this section.

(72 Stat. 1340; 26 U.S.C. 5113)

17. Section 240.342 is amended to read as follows:

§ 240.342 Place of exemption.

Unless the exemption is claimed elsewhere by the proprietor, it will be presumed that the exemption is claimed at the bonded wine cellar where the wine is stored. If the proprietor wishes to be exempt from payment of special tax for sales at his principal business office rather than for sales at his bonded wine cellar, he shall notify the assistant regional commissioner of the region in which the bonded wine cellar is located of his intention. Such notice shall be in writing, in letter form and shall be submitted in triplicate. On approval, two copies of the notice will be returned to the proprietor, one to be filed at the bonded wine cellar and the other to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the bonded wine cellar, special tax must be paid at the bonded wine cellar if sales are made thereat.

(72 Stat. 1340; 26 U.S.C. 5113)

18. A new section is added, immediately following § 240.342, to read as follows:

§ 240.342a Wholesale dealer.

No proprietor who has paid special tax as a wholesale dealer shall again be required to pay special tax as such dealer on account of sales of wines to wholesale or retail dealers in liquors, or to limited retail dealers, consummated at the purchaser's place of business.

(72 Stat. 1340; 26 U.S.C. 5113)

19. Section 240.343 is amended to read as follows:

§ 240.343 Annual special tax.

The special tax year commences on July 1 and ends on June 30 of the next year. All persons liable for special tax must file Form 11 with the district director of internal revenue, and pay the special tax to him on or before July 1 of each year. If the Form 11, with remittance, is not actually delivered to the district director on or before July 1, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(68A Stat. 846, 895, 72 Stat. 1346, 1347; 26 U.S.C. 7011, 7502, 5142, 5143)

20. Section 240.344 is amended to read as follows:

§ 240.344 Business commenced after July.

Where business is commenced after July, the tax will be prorated from the first day of the month in which business was commenced to June 30 following. In such case, if the Form 11, with remittance, is not actually delivered to the district director of internal revenue before the day on which the business was commenced, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(72 Stat. 1346, 1347; 26 U.S.C. 5141, 5143)

§ 240.354 [Amendment]

21. Section 240.354 is amended as follows:

(A) By inserting in the second sentence, immediately after the words "is to be used," the words "liquid sugar or"; and inserting a comma after the word "inversion"; and

(B) By changing the citation to read "(72 Stat. 1387; 26 U.S.C. 5392)".

§ 240.365 [Amendment]

22. Section 240.365 is amended as follows:

(A) The first sentence is amended to read "In the production of natural wine from grapes having a fixed acid content over five parts per thousand, water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup may be added, subject to the limitations set forth in § 240.366."; and

(B) By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.366 [Amendment]

23. Section 240.366 is amended as follows:

(A) By amending the first sentence to read "In producing wine from grapes or grape juice having a high acid content, there may be added to the juice or to the wine, or both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand.";

(B) By deleting the next to the last sentence, beginning "If a mixture of", in its entirety; and

(C) By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.371 [Amendment]

24. Section 240.371 is amended as follows:

(A) By changing the period at the end of paragraph (f) to a comma and adding the words "except that it may be transferred in bond to an affiliated bonded wine cellar within the same State for further sweetening or the addition of wine spirits, or both."; and

(B) By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.374 [Amendment]

25. Section 240.374 is amended as follows:

(A) By amending the first sentence to read "Grape wine spirits may be added only to natural grape wine of the proprietor's own production."; and

(B) By changing the citation to read "(72 Stat. 1381, 1382, 1383; 26 U.S.C. 5366, 5373, 5382)".

§ 240.405 [Amendment]

26. Section 240.405 is amended as follows:

(A) By amending the first sentence to read "In the production of natural fruit wine from fruit or berries by a method other than that described in §§ 240.401 through 240.404, water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup may be added, subject to the limitations set forth in §§ 240.406 and 240.407."; and

(B) By changing the citation to read "(72 Stat. 1385; 26 U.S.C. 5384)".

27. Section 240.407 is revised to read as follows:

§ 240.407 Limitations on other amelioration.

In producing wine from fruit other than grapes, or from mixtures (which may include grapes) of two or more fruits, the juice may be ameliorated by adding a sufficient quantity of pure dry sugar to adjust the juice to a total solids content prior to fermentation of not more than 25 degrees Brix. Thereafter, there may be added to the juice or to the wine, or to both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand. Where it is desired to so reduce the natural fixed acid content and to so adjust the total solids content of juice, the operations may be combined, and the pure dry sugar for the the adjustment of the total solids content may be mixed with the ameliorating material. The acid content shall be determined before fermentation, and calculated as malic acid for apple wine and as citric acid for other fruit wine. The volume of the ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp), except that in the case of wine made exclusively from loganberries, currants, or gooseberries, the volume limitation shall be 60 percent. In determining the amount of ameliorating material permitted, the volume of the juice obtained after correction with pure dry sugar within the 25 degrees limitation shall be used as a basis for the calculation. The ameliorating material may be added before or during fermentation, in fermenters or in intermediate storage. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand.

(72 Stat. 1385; 26 U.S.C. 5384)

§ 240.440 [Amendment]

28. Section 240.440 is amended as follows:

(A) By changing the fourth sentence to read as follows: "In addition to flavoring material, caramel may be added for coloring, and pure dry sugar, liquid sugar, invert sugar syrup, or water, may be added to the extent permitted by §§ 240.443 and 240.444."; and

(B) By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5386)".

§ 240.443 [Amendment]

29. Section 240.443 is amended as follows:

(A) The second sentence is changed to read as follows: "Special natural wine made under this section may be ameliorated with pure dry sugar, water, or a combination of pure dry sugar and water, liquid sugar, or invert sugar syrup in the same manner and to the same extent as natural wine made from the same fruit, as provided in Subpart P of this part in the case of grape wine, or subpart Q of this part in the case of fruit wine."; and

(B) By changing the citation to read "(72 Stat. 1381, 1386; 26 U.S.C. 5367, 5386)".

§ 240.444 [Amendment]

30. Section 240.444 is amended as follows:

(A) By changing the third sentence to read as follows: "Caramel, pure dry sugar, liquid sugar, or invert sugar syrup, or pure dry sugar-water solution of not less than 60 degrees (Brix), may be used in special natural wine made under this section."; and

(B) By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5386)".

§ 240.460 [Amendment]

31. Section 240.460 is amended as follows:

(A) By inserting in the second sentence the word "dry" immediately following the words "or pure", and by inserting the words "or liquid sugar or invert sugar syrup" immediately preceding the words "may be used";

(B) By changing the last sentence to read as follows: "Agricultural wine made with sugar other than pure dry sugar; or with pure dry sugar, or water, liquid sugar, or invert sugar syrup in excess of the limitations of this subpart; may not be made or stored on standard wine premises."; and

(C) By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5387)".

§ 240.461 [Amendment]

32. Section 240.461 is amended as follows:

(A) By deleting the words "or pure dry sugar, or a combination of water and pure dry sugar," from the fourth sentence, and inserting in lieu thereof the words ", pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup,"; and

(B) By changing the citation to read "(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)".

§ 240.462 [Amendment]

33. Section 240.462 is amended as follows:

(A) By deleting, in the third sentence and immediately following the words "solids content to", the number "23" therefrom and inserting in lieu thereof the number "25";

(B) By deleting the words "or a combination of water and pure dry sugar," from the fourth sentence and inserting in lieu thereof the words ", a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup"; and

(C) By changing the citation to read "(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)".

§ 240.464 [Amendment]

34. Section 240.464 is amended as follows:

(A) By inserting the words "or liquid sugar or invert sugar syrup" in the first sentence immediately following the words "pure dry sugar";

(B) By changing the proviso to read as follows: *"Provided,* That the total weight of pure dry sugar used for fermentation shall be less than the weight of the primary winemaking material and the density of the mixture prior to fermentation shall not be less than 22 degrees (Brix), if water, or liquid sugar, or invert sugar syrup is used."; and

(C) By changing the citation to read "(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)".

§ 240.481 [Amendment]

35. Section 240.481 is amended as follows:

(A) By striking the word "similar" preceding the words "wine products" in paragraph (c); and

(B) By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5364)".

§ 240.488 [Amendment]

36. Section 240.488 is amended as follows:

(A) By deleting "or water" from the first sentence and inserting in lieu thereof the words ", water, liquid sugar, or invert sugar syrup"; and

(B) By changing the citation to read "(72 Stat. 1381, 1387; 26 U.S.C. 5364, 5388)".

§ 240.529 [Amendment]

37. Section 240.529 is amended as follows:

(A) By inserting in the "Materials" column immediately following the word "Carbon" the words "Carbon Dioxide, CO_2";

(B) By inserting in the "Use" column, immediately opposite the words "Carbon Dioxide, CO_2" the words "To stabilize and preserve still wine";

(C) By inserting in the "Reference or limitation" column immediately opposite the use for "Carbon Dioxide, CO_2", the reference "§§ 240.531 to 240.536"; and

(D) By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

38. By inserting immediately after § 240.530 a new undesignated center heading and new sections §§ 240.531 to 240.535, as follows:

USE OF CARBON DIOXIDE IN STILL WINE

§ 240.531 General.

The addition to (and retention in) still wines of small quantities of carbon dioxide is permitted: *Provided,* That, at the time of removal for consumption or sale, the still wine shall not contain more than 0.256 gram of carbon dioxide per 100 milliliters of wine, subject to the tolerance provisions of § 240.533. Where carbon dioxide is added to, or retained in, still wines, the proprietor shall file notice in accordance with § 240.532. Where such carbon dioxide content of wine, at the time of removal for consumption or sale, is to be less than 0.225 gram of carbon dioxide per 100 milliliters of wine, the provisions of § 240.534 shall not be applicable.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.532 Notice.

Proprietors intending to add carbon dioxide to, or retain carbon dioxide in, still wines shall submit a notice to the assistant regional commissioner on letter size paper, in duplicate, showing the name, address, and registry number of the proprietor. The notice shall identify the method or process, the kinds (class and type) of wine, and the type equipment, to be used. One copy of the notice shall be returned to the proprietor for his files. Where the method, process, or equipment is changed (except for minor changes) after filing a notice a perfected notice shall be filed.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.533 Tolerance.

A tolerance to the maximum limitation on carbon dioxide in still wines, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the proprietor shows to the satisfaction of the assistant regional commissioner that the amount of carbon dioxide in excess of 0.256 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the proprietor continuously or intentionally exceeds 0.256 gram of carbon dioxide per 100 milliliters of wine or where the variation results from the use of methods or equipment not in accord with good commercial practices.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.534 Tests and records of carbon dioxide in still wine.

The carbon dioxide contained in still wines shall be determined in accordance with approved test procedures announced by the Director. For purposes of this section, each proprietor bottling still wine containing carbon dioxide shall keep commercial records showing each item (that is, wine of the same class and type bottled under the same brand or label) bottled each day. A single day's bottling of the same item shall be considered a single batch, unless the proprietor desires to divide such a day's bottling of each item into two or more batches. The proprietor's commercial records shall show (a) by appropriate description or symbol, the batch identification of the wine; (b) the kind and quantity of the wine in each batch; and (c) the results of the individual tests of carbon dioxide content made with respect to each such batch. Unless the proprietor uses a code identification, approved by the assistant regional commissioner, on the label of the bottle, he shall mark on each case of wine at the time of filling (a) the date of filling, and (b) the batch identification of the wine. The method of marking the label or case shall be stated in the proprietor's notice under § 240.532.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.535 Misrepresentations of still wines containing carbon dioxide.

Penalties are provided in section 5662, I.R.C., for any person who, whether by manner of packaging or advertising or any other form of misrepresentation, represents any still wine to be an effervescent wine or a substitute for an effervescent wine.

(72 Stat. 1407; 26 U.S.C. 5662)

§ 240.591 [Amendment]

39. Section 240.591 is amended as follows:

(A) By striking the comma between the words "holiday" and "the" and inserting in lieu thereof the words "of the District of Columbia or a Statewide legal holiday of the particular State where the return is required to be filed,"; and

(B) By changing the citation to read "(68A Stat. 895, 896, 72 Stat. 1335; 26 U.S.C. 7502, 7503, 5061)".

§ 240.634 [Amendment]

40. Section 240.634 is amended as follows:

(A) By striking the period at the end of the last sentence and inserting in lieu thereof the words "for the production of spirits other than spirits for use in wine production."; and

(B) By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5368, 5373)".

41. Subpart 00 consisting of §§ 240.800 through 240.811 is stricken and in lieu thereof a new subpart 00 consisting of §§ 240.800 through 240.808 is inserted as follows:

Subpart OO—Return of Unmerchantable Taxpaid Wine to Bonded Wine Cellar

§ 240.800 General.

Taxpaid foreign or United States wine may be received at any bonded wine cellar for reconditioning and reshipment without retaxpayment, or for destruction, and in the case of unmerchantable wine produced in the United States, tax may be refunded or credited in accordance with the provisions of this subpart.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

§ 240.801 Receipt.

The unmerchantable taxpaid wine shall be received and retained off the bonded premises, or in the taxpaid room on the bonded premises; such wine, pending its disposition shall be completely segregated from all other wine,

be identified as returned wine, and be accessible for inspection by internal revenue officers until it is transferred to the general bonded area. A record of the wine received shall be maintained in accordance with § 240.921. The containers of each lot of wine returned must be marked so that they may readily be associated with credit memoranda or similar papers covering return of the wine.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

§ 240.802 Transfer of unmerchantable taxpaid wine to general bonded premises.

When the proprietor intends to transfer unmerchantable, taxpaid wine (United States or foreign) to the general bonded area after receipt thereof, he shall give written notice of his intention, in quadruplicate, to the assistant regional commissioner or to an officer designated by him: *Provided,* That such notice may be submitted directly to an inspector or storekeeper-gauger at the bonded wine cellar. Each notice shall be serially numbered commencing with "1" on January 1, of each year. Separate notices shall be given for United States and foreign wines. The notice shall, except as otherwise provided in this section, specify the date on which the proprietor intends to effect the transfer, which shall not be less than 10 days from the date of mailing or otherwise furnishing the notice to the assistant regional commissioner or designated officer. Where the notice is given to an inspector or storekeeper-gauger at the bonded wine cellar, such officer may, without regard to the time otherwise provided in this section, at that time supervise the transaction, or he may transmit the notice to the assistant regional commissioner. Where it appears that delay in disposing of unmerchantable, taxpaid wine may impose an undue hardship on the proprietor, the assistant regional commissioner may, on request by the proprietor, permit disposition of such wine without regard to the time otherwise provided in this section. This notice shall contain, as applicable, the following information:

(a) Whether United States or foreign wine;

(b) The quantity, by taxable grade;

(c) The identity of the premises at which the wine was bottled and, if known, the identity of the bonded wine cellar from which removed on determination of tax;

(d) The date the wine was received at the bonded wine cellar;

(e) As to each taxable grade, the amount of tax previously paid or determined on the wine; and

(f) With respect to each item, the disposition to be made thereof.

Each notice shall be signed by the proprietor and immediately above the signature there shall appear the following statement:

I declare under the penalties of perjury that this notice has been examined by me and, to the best of my knowledge and belief, the information given herein is true and correct.

When United States wine is returned to bond it shall be reported on Form 702 with an explanatory notation in the special operations part of the form.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

§ 240.803 Reconditioning and removal of foreign wine.

Foreign wine shall be kept separate from United States wine. The foreign wine shall be reconditioned and removed from the general bonded area expeditiously. The containers in which reconditioned foreign wine is placed shall be marked in accordance with § 240.562 and the country of origin shall be marked thereon.

(72 Stat. 1380; 26 U.S.C. 5361)

§ 240.804 Records of reconditioned foreign wine.

The proprietor shall keep a separate record concerning the reconditioning of returned taxpaid foreign wine showing the date of reconditioning, the quantity and taxable grade of the wine reconditioned, and the serial numbers or other identification of the containers in which the reconditioned wine was placed. In addition the following information shall be shown in respect of wine received for reconditioning and removed:

(a) Name and address of the person from whom the wine is received;

(b) Date of receipt;

(c) The kind, quantity, and taxable grade of the wine;

(d) The serial numbers or other identifying marks of the containers in which the wine is received;

(e) The name and address of the persons to whom the reconditioned wine is shipped;

(f) Date of shipment; and

(g) The kind, quantity, and taxable grade shipped to each.

If the information required in regard to receipts and shipments is shown on the taxpaid room record required by § 240.921 the separate record of reconditioning need not include information as to receipt and disposition of the wine.

(72 Stat. 1380; 26 U.S.C. 5367)

REFUND OR CREDIT OF TAX ON UNMERCHANTABLE WINE

§ 240.805 General.

The tax paid or determined on any wine produced in the United States which is returned to bond in a bonded wine cellar as unmerchantable may be refunded, or credited, without interest, as provided in this subpart. All provisions of this part applicable to wine in bond on the premises of a bonded wine cellar and to removals thereof shall be applicable to such wine returned to bond for refund or credit of tax under the provisions of section 5044, I.R.C.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.806 Claim for allowance of credit for tax.

A proprietor may file with the assistant regional commissioner a claim for allowance of credit for the tax paid on unmerchantable, taxpaid United States wine returned to bond. Such claim shall not be filed for a quantity on which credit of tax would be in an amount of less than $10.00: *Provided,* That, as to any returned wine on which the 6 month period for filing a claim will expire, a claim for allowance of tax on a lesser quantity of wine may be filed. Any such claim shall be submitted in letter form, in duplicate, and shall be signed by the proprietor, and immediately above the signature there shall appear the following statement:

I declare under the penalties of perjury that the wine covered by this claim was returned to bond and so reported on Form 702, and that this claim for allowance of credit for tax has been examined by me and, to the best of my knowledge and belief, the information given herein is true and correct.

A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim. When allowance of the credit or any part thereof is made by the assistant regional commissioner, the proprietor shall make a proper adjusting entry and explanatory statement in the next subsequent wine tax return (or returns) to the extent necesasry to exhaust the credit.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.807 Claims for refund of tax.

In lieu of filing a claim for allowance of credit of tax as provided in § 240.806, the proprietor may file a claim for refund of tax on unmerchantable, taxpaid United States wine returned to bond. Such claim shall not be filed for a quantity on which refund of tax would be in an amount of less than $25.00: *Provided,* That, as to any returned wine on which the 6 month period for filing a claim will expire, a claim for refund of tax on a lesser quantity of wine may be filed. When the wine is returned to bond, a claim on Form 843 (original only) may be filed with the assistant regional commissioner by the proprietor for refund of tax on such wine. The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so reported on Form 702. A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.808 Date of filing.

No claim shall be allowed for refund or credit of tax on unmerchantable wine unless such claim is filed within 6 months after the date of the return of the wine to bond, as reported on Form 702.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.820 [Amendment]

42. Section 240.820 is amended as follows:

(A) By striking "section 5215" in the first sentence and inserting in lieu thereof "section 5373"; and

(B) By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.822 [Amendment]

43. Section 240.822 is amended as follows:

(A) By deleting the period at the end of the next to the last sentence, which begins "He shall state", and inserting the words "or Form 2601, whichever is applicable."; and

(B) By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.890 [Amendment]

44. Section 240.890 is amended as follows:

(A) By striking from the parenthetical phrase appearing in the first sentence the word "not" so that it will now read "(including volatile fruit-flavor concentrates)";

(B) By inserting a new sentence after the first sentence to read as follows: "In addition to such application, if the proprietor desires to establish a volatile fruit-flavor concentrate plant, he shall file Form 27-G and otherwise comply with the provisions of Part 198 of this chapter."; and

(C) By changing the citation to read "(72 Stat. 1380; 26 U.S.C. 5361)".

§ 240.901 [Amendment]

45. Section 240.901 is amended by changing the second sentence to read as follows: "There shall also be shown any increases or decreases in tax due to errors in previous returns, Forms 2050, or credit under the provisions of Subpart 00 for unmerchantable wines returned to bond and for the prepayment of tax as shown by Form 2052.".

46. The undesignated center heading immediately following § 240.975 is amended by striking the number "23" and inserting in lieu thereof the number "25".

§ 240.976 [Amendment]

47. Section 240.976 is amended by deleting the number "23" in the first sentence and inserting in lieu thereof the number "25".

48. Section 240.977 is amended to read as follows:

§ 240.977 Example.

Find the amount of dry cane sugar required to raise the total solids content of 500 gallons of juice from 12 degrees Brix to 25 degrees Brix, and the resultant gallonage.

(a) Find the figure 12 in the left-hand column of Table IV.

(b) Opposite the figure 12, the pounds of cane sugar required for each gallon of juice is found in the second column, and is 1.5122.

(c) 1.5122×500=756.10 pounds of cane sugar.

(d) Opposite the figure 12, the resultant gallonage for each gallon of juice is found in the third column and is 1.1127.

(e) 1.1127×500=556.4 gallons of corrected juice.

49. Section 240.978 is amended to read as follows:

§ 240.978 Pounds of commercial dextrose or cane or beet sugar required to raise one gallon of juice to 25 degrees Brix and the resultant gallonage.

TABLE IV

Brix of juice	Pounds cane or beet sugar	Resultant gallonage	Pounds commercial dextrose	Resultant gallonage
0	2.7760	1.2069	3.3625	1.2625
1	2.6735	1.1992	3.2383	1.2528
2	2.5720	1.1917	3.1154	1.2432
3	2.4698	1.1841	2.9916	1.2335
4	2.3667	1.1764	2.8667	1.2238
5	2.2629	1.1686	2.7409	1.2140
6	2.1582	1.1608	2.6141	1.2041
7	2.0526	1.1530	2.4863	1.1941
8	1.9463	1.1450	2.3575	1.1840
9	1.8391	1.1370	2.2276	1.1739
10	1.7310	1.1290	2.0967	1.1637
11	1.6220	1.1209	1.9647	1.1534
12	1.5122	1.1127	1.8317	1.1430
13	1.4015	1.1044	1.6976	1.1325
14	1.2899	1.0961	1.5624	1.1219
15	1.1773	1.0877	1.4261	1.1113
16	1.0639	1.0793	1.2887	1.1006
17	0.9495	1.0707	1.1501	1.0898
18	0.8342	1.0621	1.0105	1.0789
19	0.7180	1.0535	0.8697	1.0679
20	0.6008	1.0447	0.7277	1.0568
21	0.4826	1.0359	0.5845	1.0456
22	0.3634	1.0270	0.4402	1.0343
23	0.2433	1.0181	0.2947	1.0230
24	0.1221	1.0091	0.1479	1.0115
25	0	1.0000	0	0

[F.R. Doc. 59-5677; Filed, July 8, 1959; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-26]

INFLATABLE LIFE RAFTS AND MARKING OF LIFEBOATS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2742-2751), the Merchant Marine Council held a Public Hearing on April 27, 1959, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive. The proposed regulations regarding inflatable life rafts and marking of lifeboats were set forth as Item I in the Agenda, CG-249. A summary of the proposals was set forth in the previously mentioned FEDERAL REGISTER of April 9, 1959.

This document is the seventh of a series covering the regulations and actions considered at the April 27, 1959, Public Hearing and annual session of the Merchant Marine Council.

This document contains the final actions taken with respect to the proposed changes in Item I regarding lifesaving appliances. On the basis of information received changes were made in the specification for inflatable life rafts designated 46 CFR Subpart 160.051. The proposals as set forth in Item I, as revised, are adopted and included herein.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 28, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER; however, with respect to markings of lifeboats, compliance shall be accomplished by the date specifically provided in the text of the regulations:

SUBCHAPTER D—TANK VESSELS

PART 33—LIFESAVING APPLIANCES

Subpart 33.25—Markings, Care and Inspection

Section 33.25-5 is amended by adding a new paragraph (d) at the end thereof reading as follows:

§ 33.25-5 Numbering and marking of lifeboats—TB/ALL.

* * * * *

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 78—OPERATIONS

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

Section 78.47-60 is amended by adding at the end thereof a new paragraph reading as follows:

§ 78.47-60 Lifeboats.

* * * * *

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

Section 97.37-37 is amended by adding at the end thereof a new paragraph (f) reading as follows:

§ 97.37-37 Lifeboats.

* * * * *

(f) The top of thwarts, side benches and footings of lifeboats shall be painted

or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.035—Lifeboats for Merchant Vessels

1. Section 160.035–2(c) is amended by adding at the end thereof a new subparagraph (1) reading as follows:

§ 160.035–2 General requirements for lifeboats.

* * * * *

(c) * * *

(1) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange in accordance with Federal Specification TT–P–59(a).

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428 as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 160.051—Inflatable Life Rafts

2. Part 160 is amended by the addition of a new Subpart 160.051, consisting of §§ 160.051–1 to 160.051–9, inclusive, to read as follows:

Sec.

AUTHORITY: §§ 160.051–1 to 160.051–9 issued under R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4491, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 489, 390b, 50 U.S.C. 198.

§ 160.051–1 Applicable specification.

(a) *Specification.* The following specification, of the issue in effect on the date inflatable life rafts are manufactured, forms a part of this subpart for guidance purposes only:

(1) *Military Specification:* MIL–L–19496 (Ships)—Lifeboat, CO_2 Inflatable, Mark 5, 15-Person Capacity.

(b) *Copies on file.* Copies of the specifications referred to in this section, as well as the various reference specifications forming a part thereof, shall be kept on file by the manufacturer, together with the approved plans, specifications, and certificate of approval. They shall be kept for a period consisting of the duration of approval and 5 years after termination of approval, except that the approval certificate shall be returned for cancellation immediately following the termination date. The Military Specification may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D.C.

§ 160.051–2 Alternate construction.

(a) *Requirements.* Inflatable life rafts or components which differ from the requirements set forth in this specification may be given consideration for approval provided:

(1) The manufacturer can demonstrate that the raft or component has at least three years of successful operational experience which has been accumulated in marine atmospheres at sea in frigid as well as tropic conditions, or by tests which are the equivalent thereof.

(2) Complete detail plans and specifications are submitted.

(3) The raft can pass the tests outlined in § 160.051–5.

(4) The manufacturer has arranged for maintenance and servicing in accordance with § 160.051–6.

§ 160.051–3 Type and sizes.

(a) *Definition.* An inflatable life raft is defined as meaning an abandon-ship flotation appliance designed to support a specified number of persons clear of the water, which is stowed in a folded or collapsed condition and is capable of withstanding severe launching shock and which is inflated by gas or air into a raft designed for rugged service.

(b) *Sizes.* Inflatable life rafts shall be of 4 or more person sizes. An inflatable life raft, complete with case and required emergency equipment, shall not weigh more than 400 pounds unless suitable means are provided to enable it to be launched without lifting by hand.

§ 160.051–4 Design.

(a) *General.* Inflatable life rafts may be circular, octagonal, elliptical or boat shaped and the design shall incorporate the material and construction details outlined in Military Specification MIL–L–19496 for guidance. All materials used in the construction of inflatable life rafts shall be of good quality and suitable for the purpose intended, and shall not be subject to undue deterioration from the effects of weathering aboard ship under the conditions of usual stowage, nor from contact with salt water or spray or petroleum products. Where dissimilar materials are used in combination, provision shall be made to prevent such deleterious effects as loosening or tightening due to differences in thermal expansion, freezing or buckling of parts, galvanic corrosion, or other forms of contamination. Consideration may be given to materials and construction which differ from those required by Military Specification MIL–L–19496 if it can be shown by tests and/or other means that the proposed material or construction is at least as suitable for the intended use.

(b) *Body.* The bottom of the raft shall be waterproof and fitted with an inflatable floor which can be inflated or deflated as desired. A life line festooned in bights shall be provided around the periphery of the life raft. A boarding ladder and towing connection shall be fitted at each end of the life raft. Suitable pockets or equivalent shall be fitted for stowage of hand pumps, repair kits, instruction manuals and other equipment needed immediately on launching. Reinforcing patches shall be substantially fitted in way of the attachments for the righting line, painter, sea anchor line, etc. The holders for retaining the gas or air pressure containers shall be substantially fitted and sufficiently strong to retain the containers when the raft is inflated or when the raft is dropped into the water. All exposed surfaces shall be reasonably smooth and free from sharp protrusions or projections which might be injurious in boarding or occupancy. Water pockets to improve stability and reduce drifting shall be fitted on the underside of the floor.

(c) *Canopy.* The design shall incorporate an inner and outer canopy to insulate the occupants from the weather which shall become automatically erected upon initial inflation of the raft. The canopy shall provide adequate headroom and provision shall be made for furling the ends to allow entry of occupants, free passage of air, and adequate room for paddling. Provision for catching rain water shall be incorporated in the canopy.

(d) *Laps and seams.* The amount of lap shall be sufficient to make the seams as strong as the coated cloth joined and the seams shall be required to withstand a test load equal to the coated cloth tensile strength.

(e) *Color.* The outside of the canopy shall be colored Indian orange (Cable No. 70072, Standard Color Card of America) or other color of high conspicuity against a background of a white-capped sea. The remainder of the raft may be the natural color of the finished coated cloth, except that the underside of the floor shall be dark blue, dark grey or black.

(f) *Containment.* Manufacturers shall design and provide suitable containment for each type of raft. A carrying case and a container will normally be required, but designs which combine the functions of the case and the container in a single unit will be acceptable.

(1) *Carrying case.* Inflatable life rafts shall be folded and stowed in a carrying case affording protection from the weather and mechanical damage. The carrying case is to be arranged so as to display evidence of use or tampering, such as by the use of a suitable seal, or equivalent.

(2) *Container.* The container shall be constructed of metal, wood, or plastic, and shall be capable of being securely fastened aboard ship and arranged for quick release of the life raft. The container shall be weather-tight, except that provision shall be made for drainage and the circulation of air. The stowage arrangement shall be such that the raft will float free in the event of the vessel sinking.

(g) *Inflation.* Inflation shall take place upon the pulling of a lanyard or by

some equally simple means which may be accomplished manually both from the deck of a vessel and by a swimmer in the water. The arrangement shall be such that inflation will take place automatically if the vessel sinks and the raft floats free.

(h) *Buoyancy.* The principal buoyancy shall be located at the periphery of the inflatable life raft and shall be subdivided into not less than two compartments, either of which must be capable of supporting the rated number of persons out of the water. Where more than two compartments are incorporated in the design, the raft shall be capable of supporting the rated number of persons out of the water with one-half of the compartments deflated. In either case, the deflation of any one compartment shall not unduly jeopardize the stability of the raft.

(i) *Capacity.* The maximum number of persons for which an inflatable life raft may be rated shall be the overall horizontal clear area inside the raft in square feet (including thwarts if fitted) divided by four, or the volume of the principal buoyancy compartments in cubic feet (including automatically inflated thwarts) divided by 3.4, whichever is the lesser.

§ 160.051–5 Inspections and tests.

(a) *General.* Whenever any work is being done on components or the assembly of inflatable life rafts, the manufacturer shall notify the Commander of the Coast Guard District in which the factory is located in order that he may assign a marine inspector to the factory to witness the applicable tests and satisfy himself that the quality assurance program of the manufacturer is satisfactory.

(1) The marine inspector shall be admitted to any place in the factory where work is done on the inflatable life rafts or component parts or materials, and he may take samples of parts or materials entering into construction for further inspections or tests. The manufacturer shall provide a suitable place and the apparatus necessary for the performance of the tests to be witnessed by the marine inspector.

(2) Tests at commercial or government laboratories, when applicable, shall be at the expense of the manufacturer. Suitable material affidavits or invoices for essential materials entering into construction shall be obtained by the manufacturer from his suppliers and he shall maintain a file showing the lot numbers of the inflatable life rafts for which such materials were used.

(b) *Lot size.* A lot shall consist of not more than 50 inflatable life rafts of the same design and size. Lots shall be numbered serially by the manufacturer and if at any time during the processing of a lot, any change or modification in materials or production methods is made, a new lot shall be started.

(c) *Routine inspections and tests.* Manufacturers of approved inflatable life rafts shall maintain quality control of the materials used, manufacturing methods, workmanship, and the finished product, and shall make full inspections and tests as necessary to maintain the quality of the product. The fact that certain tests are required as enumerated below does not relieve the manufacturer from making any and all other tests, inspections, or other determinations as may be necessary to assure the quality of all materials, parts and the finished product. The following inspections and tests shall be conducted by the manufacturer in the presence of the marine inspector, and records of such tests shall be kept on file by the manufacturer for a period of 5 years and shall be made available to the Coast Guard marine inspector upon demand:

(1) *Inspection.* Each completed inflatable life raft shall, in addition to all other inspections during process of fabrication or testing, receive 100 percent visual inspection for surface defects, obvious mis-arrangements or dimensional non-conformance, and for general conformance to the applicable requirements of the manufacturer's approved plans and specifications, and non-conforming units shall be rejected.

(2) *Over-pressure test.* Each raft shall be individually tested by inflating with air to 2.5 times its working pressure and allowed to stand for 10 minutes. At the end of 10 minutes the raft shall not show signs of seam slippage or rupture nor shall the pressure decrease by more than 5 percent. Relief valves, if fitted, shall be made inoperable for this test and each valve shall be tested to determine that it relieves the pressure at not more than 140 percent of the designed working pressure and will reseat at the designed working pressure. Upon completion of this test, the raft shall immediately be subjected to the test required by subparagraph (3) of this paragraph.

(3) *Working pressure leakage test.* Each principal buoyancy compartment as well as other inflated compartments of every life raft shall be individually tested for gas-tight integrity by inflating with air to its working pressure, allowed to stand one hour, and then checked and readjusted as necessary to the original working pressure. After standing 6 hours the pressure shall not have decreased by more than 10 percent, compensation being made for the difference in temperature and barometric pressure. During the test more than one compartment may be tested at one time, but adjacent compartments shall be opened to the atmosphere during the test.

(4) *Inflation test.* For lots of less than 30, one specimen shall be tested. For lots of at least 30, but not more than 50, two specimens shall be tested. The specimens shall be selected at random from the lot after the rafts have been folded and packed in their carrying cases with equipment. When the directions on the carrying case are followed, the specimen shall break free from the case and it shall become inflated and attain its designed shape and approximate dimensions in not more than 30 seconds at 70° F., and reach its designed working pressure in not more than 3 minutes. The specimen shall be allowed to stand for one hour to allow the gases inside to come to room temperature. The pressure in all the principal buoyancy compartments shall be approximately the designed working pressure. If the specimen(s) fails this test the entire lot shall be subjected to the inflation test.

(d) *Lot acceptance or rejection.* When the inspections and tests prescribed by paragraphs (a), (b), and (c) of this section, above have been completed satisfactorily and all non-conforming units eliminated, and the inflatable life rafts comprising the lot are considered suitable, the lot shall be accepted, and the carrying cases shall be marked in accordance with § 160.051–8(a).

(e) *Preapproval inspection and tests.* The prototype raft shall be inspected and tested at the plant of the manufacturer in the presence of a marine inspector in accordance with subparagraphs (c)(1) through (c)(4). If the inspections and tests are satisfactory, the raft shall be repacked together with its equipment in the carrying case with the cylinder(s) charged and the raft in all respects ready for use. The carrying case shall be shipped prepaid to the Field Testing and Development Unit, Coast Guard Yard, Baltimore 26, Maryland, for testing in accordance with subparagraphs (1) through (11) of this paragraph. The case shall be shipped in the container required by § 160.051–4(f)(2) unless a combination stowage is provided in accordance with § 160.051–4(f). The following additional material shall be forwarded at that time: Completely charged cylinder(s) (one or two depending on the number used in the raft design), two yards of all coated cloth used, and two seams 7 inches wide by 12 inches long made in exact accordance with the manufacturer's plans and specifications.

(1) *Seam strength.* It shall be demonstrated that the sample seams can withstand a test load equal to the coated cloth tensile strength.

(2) *Drop test.* The inflatable life raft, complete with all its equipment shall be set for operation and dropped into water from a height of not less than 60 feet. The raft shall not be inflated until it has been demonstrated that the raft in its carrying case will remain afloat for not less than one-half hour. The operating lanyard shall then be pulled and the raft shall break free from its case and assume its designed shape with canopy erected and in all respects ready for boarding. The raft shall not sustain damage which would be sufficient to prevent its use as emergency abandon-ship flotation equipment, nor shall the equipment suffer damage sufficient to affect its usefulness.

(3) *Loading, seating and swamp test.* The raft shall be loaded with the number of persons it is intended to carry. Each person used in this test shall be an adult wearing an approved life jacket and the average of the weight of all persons used in the test shall not be less than 165 pounds. It shall be demonstrated that the floor can be inflated, that there is sufficient head room, and that the occupants have adequate room and access to the equipment. The floor shall then be deflated and the raft flooded. In this condition the raft shall support the number of persons it

is intended to carry and remain seaworthy.

(4) *Stability test.* The full complement of the raft shall be crowded to one side and then to one end and in each case the freeboard shall be adequate to prevent the raft being swamped. The floor shall be deflated for this test.

(5) *Damage test.* It shall be demonstrated that the buoyancy and stability required by § 160.051–4(h) can be obtained when the raft is in a condition simulating damage. The freeboard in damage condition shall be adequate to prevent the raft being swamped.

(6) *Righting test.* It shall be demonstrated that the life raft is capable of being righted by one man if it inflates in an inverted position.

(7) *Boarding test.* It shall be demonstrated that the life raft can be boarded from the water, within 30 seconds of the time the operating lanyard is pulled, by an adult suitably clothed and wearing an approved life jacket.

(8) *Towing test.* It shall be demonstrated that when a tow line is attached to the towing connection the loaded raft can be satisfactorily towed at a speed of five knots.

(9) *Jump test.* It shall be demonstrated that an adult, suitably clothed and wearing an approved life jacket, can jump on the canopy of the life raft from a height of not less than 15 feet without damage to the canopy.

(10) *Mooring out test.* The raft shall be ballasted with weights equivalent to its capacity, (165 pounds per person) and moored out for 30 days. Topping up will be permitted each morning of the test if necessary. Upon completion of the test period the buoyancy compartments shall be tested in accordance with the over pressure test requirements of subparagraph (c) (2) of this section.

(11) *Temperature exposure.* The packed raft shall be exposed to a temperature of minus 20 degrees F. or lower and to a temperature of 165 degrees F. or higher. The raft shall remain at each temperature for not less than 24 hours and shall be inflated within five minutes after removal from each temperature chamber. The raft shall be allowed to return to a temperature of approximately 70 degrees F. before being subjected to the second exposure. For the high temperature test, if carbon dioxide is used for inflation, the raft may be inflated by means of carbon dioxide cylinders which have not been exposed to the test temperatures. It shall be demonstrated that the raft will assume its designed shape with canopy erected, that there is no seam slippage, that the fabric has shown no tendency to crack or become tacky, and that the raft is in all respects ready for use.

§ 160.051–6 Servicing.

(a) *Frequency.* All inflatable life rafts shall be serviced every twelve months at approved servicing facilities.

(b) *Manufacturer's responsibilities.* No approvals will be issued to manufacturers of inflatable life rafts unless adequate servicing facilities are maintained on the east coast, west coast, Gulf coast and Great Lakes area of the United States. Authorized manufacturer's representatives skilled in the servicing of inflatable life rafts will be acceptable.

(c) *Service manual.* Manufacturers of inflatable life rafts shall prepare service manuals which shall include instructions for opening, inspecting, testing, repairing and repacking each of their approved life rafts. Where extensive repairs are necessary the inflatable life rafts shall be returned to the manufacturer.

(d) *Servicing facilities and personnel.* Servicing facilities shall be clean, free from excessive dust, drafts and strong sunlight and arranged so that even temperatures can be maintained. The floor shall be smooth and kept clean and free from oil, grease and abrasive materials. Equipment for performing the necessary tests and repairs shall be provided. It shall be established to the satisfaction of a marine inspector that the servicing personnel have been properly trained and are competent to perform the work.

(e) *Inspection.* A marine inspector shall witness the servicing of each inflatable life raft and conduct a working pressure leakage test as outlined in § 160.051–5(c)(3), except that the waiting period may be two hours in lieu of 6 hours. All equipment shall be inspected for condition and outdated water, signals, etc., shall be replaced. Inflation cylinders shall be weighed and recharged if the weight loss exceeds 5 percent of the weight of the charge. After the raft has been satisfactorily serviced and repacked the case shall be sealed as required by § 160.051–4(f)(1) and the carrying case stamped "Passed" together with the date, the port, and the inspector's initials.

§ 160.051–7 Equipment.

(a) *General.* All inflatable life rafts, regardless of the service, shall be provided with the equipment required by paragraph (b) of this section. In addition, life rafts intended for ocean service vessels shall be provided with the equipment set forth in paragraph (c) of this section and those intended for limited service vessels shall be provided with equipment set forth in paragraph (d) of this section.

(b) *Items required for all rafts.* The following equipment for ocean service and limited service life rafts shall be stowed outside of the equipment containers so as to be readily available.

(1) *Boarding ladder.* A boarding ladder or equivalent at each entrance to the raft. In addition, hand holds or equivalent on each side of each entrance to assist in boarding.

(2) *Heaving line.* A nylon heaving line, or equivalent, not less than 10 fathoms in length and having a breaking strength of not less than 250 pounds fitted with a buoyant quoit at one end with the other end attached to the raft near the after entrance.

(3) *Instruction manual.* An instruction manual printed on water resistant paper and stowed in a pocket inside the raft shall describe the raft and its equipment, use of the inflation pump, repair kit, sea anchor, etc., and contain survival information.

(4) *Jackknife.* A jackknife of an approved type constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter, shall be fitted in a pocket near the forward entrance.

(5) *Light.* A watertight light fitted on top of the canopy visible for 2 miles for a period of 12 hours and a light inside the canopy, both of which operate automatically when the raft is inflated. Means shall be provided to interrupt the current to the light inside the canopy. The source of power shall be capable of satisfactory operation after at least one year in service.

(6) *Life line.* A life line of not less than $\frac{9}{16}$-inch nylon tubular webbing, or equivalent, festooned in bights around the periphery of the raft. The bights shall be not more than 24 inches long, shall be fastened at intervals not exceeding 18 inches, and shall hang within 3 inches of the waterline when the raft is fully loaded.

(7) *Paddles.* Two paddles, 4 feet long.

(8) *Painter.* A painter (operating lanyard) of nylon line, or equivalent, of a type easily gripped, 100 feet in length having a breaking strength of 1,000 lbs. or half the main buoyancy of the life raft, whichever is the least, and stowed so that it will run free when the life raft is launched and not cause inadvertent inflation before the raft is in the sea. The attachment of the painter to the life raft shall be at least equal in strength to the nominal breaking strength of the painter (without knots). The other end of the painter will be secured to the vessel.

(9) *Pump, inflation-deflation.* An inflation-deflation pump with hose in accordance with Military Specification MIL–L–19496, or equivalent.

(10) *Righting gear.* Suitable hand holds or straps on the underside of the floor to enable a righting moment to be exerted. Such straps shall be a web material of adequate strength. The righting strap shall run the full width of the life raft and shall be secured to the buoyancy chamber on both sides of the raft.

(11) *Sea anchor.* Two sea anchors in accordance with Military Specification MIL–L–19496 or equivalent, each fitted with 50 feet of $\frac{1}{4}$-inch diameter braided nylon line, or equivalent. One stowed inside the raft and ready for use and the other stowed outside the raft which will stream automatically when the raft is inflated if the painter parts.

(12) *Towing connection.* A suitable towing connection at each end of the raft.

(c) *Ocean service equipment.* Equipment for life rafts intended for ocean service shall be stowed in watertight containers which are tied to the inside of the raft with short lengths of nylon line, webbing, or equivalent. The following ocean service equipment shall be provided:

(1) *Bailer.* Two flexible plastic bailers not less than 6 inches in diameter.

(2) *Drinking cup.* A flexible plastic drinking cup graduated in ounces.

(3) *First-aid kit.* An approved first-aid kit in accordance with Subpart

160.041 of Subchapter Q (Specifications) of this chapter, or approved alternate.

(4) *Flashlight.* An approved Type 1, Size No. 3 flashlight constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall not remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(5) *Mirror, signaling.* Two signaling mirrors of an approved type.

(6) *Provisions.* One pound of hard bread or its approved equivalent for each person. Provisions to be packaged in hermetically sealed cans of an approved type.

(7) *Repair kit.* A repair kit consisting of six sealing clamps in accordance with Military Specification MIL-L-19496; five 2-inch diameter tube patches and cement compatible with the raft fabric together with a roughing tool.

(8) *Signals.* Three hand-held rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter, and three hand combination flare and smoke distress signals or three hand orange smoke distress signals constructed in accordance with Subparts 160.023 and 160.037, respectively, of Subchapter Q (Specifications) of this chapter.

(9) *Sponge, cellulose.* Two Type 1, Size 10 cellulose sponges.

(10) *Water.* One quart of drinking water consisting of 3 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. Service life of this equipment shall be limited to 5 years from date of packing.

(d) *Limited service equipment.* Equipment for life rafts intended for limited service shall be stowed in watertight containers which are tied to the inside of the raft with short lengths of nylon line, webbing or equivalent.

(1) *Bailer.* One flexible plastic bailer not less than 6 inches in diameter.

(2) *Flashlight.* An approved Type 1, Size No. 3 flashlight constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall not remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(3) *Repair kit.* A repair kit consisting of six sealing clamps in accordance with Military Specification MIL-L-19496, five 2-inch diameter tube patches and cement compatible with the raft fabric together with a roughing tool.

(4) *Signals.* One hand-held rocket-propelled parachute red flare distress signal constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter, and two hand combination flare and smoke distress signals or two hand orange smoke distress signals constructed in accordance with Subparts 160.023 and 160.037, respectively, of Subchapter Q (Specifications) of this chapter.

(5) *Sponge, cellulose.* One type 1, Size 10 cellulose sponge.

§ 160.051-8 Name plate and marking.

(a) *Name plate.* Each inflatable life raft and carrying case shall have permanently attached a substantial name plate of compatible material on which is embossed or imprinted the name of the manufacturer, the approval number, the manufacturer's model number and serial number, the number of persons for which the inflatable life raft is approved, and the lot number. In addition, the carrying case shall be marked "Ocean Service Equipment" or "Limited Service Equipment" as applicable, together with the marine inspector's initials, the date, and the letters "USCG."

(b) *Marking.* Marking shall be clearly and legibly applied in a color contrasting to its background, using materials which are permanent for the life of the inflatable life raft as follows: Instructions for inflating; directions for righting if the raft inflates in an inverted position; directions for boarding; position and use of items stowed outside the equipment containers; contents of equipment containers, and warning against tampering.

§ 160.051-9 Procedure for approval.

(a) *Preliminary plans and specifications.* Inflatable life rafts for use on vessels subject to Coast Guard inspection are approved only by the Commandant, U.S. Coast Guard, Washington 25, D.C. Before any action is taken on any design of inflatable life raft, detailed plans covering fully the arrangement and construction of the inflatable life raft, material specifications, and description of construction methods shall be submitted to the Commandant through the Commander of the Coast Guard District in which the inflatable life raft is built.

(b) *Pre-approval inspections and tests.* If the drawings and specifications are satisfactory, the Commander of the Coast Guard District in which the inflatable life raft is to be built shall be notified in writing when fabrication is to commence. A marine inspector will be assigned to observe the construction in accordance with the plans and specifications, and upon completion will witness the tests described by § 160.051-5(c) (1) through (4). The raft shall then be forwarded to the Field Testing and Development Unit, Coast Guard Yard, Curtis Bay, Baltimore 26, Maryland, for testing in accordance with § 160.051-5(e) (1) through (11) together with a check covering the costs of the tests.

(c) *Final plans and specifications.* After the tests have been successfully completed, the manufacturer shall present to the inspector four copies of the plans and specifications including any corrections, changes or additions which may have been found necessary since the original submittal.

(d) *Commandant's approval action.* Upon receipt of the inspector's report of the examinations and tests conducted at the manufacturer's plant, four copies of corrected drawings and specifications, and a report of the pre-approval tests conducted at the Coast Guard Yard, the Commandant will determine compliance of the inflatable life raft with the requirements of this subpart and its suitability for type or brand approval for use on inspected vessels. Suitable documentary evidence of compliance with the requirements of § 160.051-6 will be required before approvals are issued.

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.35—Lifesaving Equipment

Section 167.35-25 is amended by adding a new subparagraph (d) at the end thereof to read as follows:

§ 167.35-25 Numbering and marking of lifeboats.

* * * * *

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428-4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1-21, 2, 54 Stat. 163-167, as amended, 1028, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406-412, 239, 481, 489, 363, 367, 526-526t, 463a, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: July 2, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F.R. Doc. 59-5680; Filed, July 8, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-258]

PART 170—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 29th day of June A.D. 1959.

It appearing that on May 14, 1959, the Commission, division 1, made and filed in this proceeding a third report on further consideration and an order defining the limits of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans.;

And it further appearing that certain inadvertent errors in the zone description were made and correction thereof does not require a notice of proposed rule making as required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003);

Upon consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

It is ordered, That the said proceeding be, and it is hereby, reopened for further consideration on the present record, on our own motion, solely for the purpose of correcting certain errors in such zone description;

It is further ordered, That § 170.8 *Kansas City, Mo.-Kansas City, Kans.,* entered in this proceeding on May 14, 1959 (49 CFR § 170.8) be, and it is hereby, vacated and set aside and the following is substituted in lieu thereof:

§ 170.8 Kansas City, Mo.-Kansas City, Kans.

The zone adjacent to and commercially a part of Kansas City, Mo.-Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt, under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303 (b)(8)), from regulation, includes and is comprised of all points in the area bounded by a line as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to Missouri Highway 9, thence north along Missouri Highway 9 to junction U.S. Highway 71, thence north along U.S. Highway 71 to the southern limits of the Mid-Continent International Airport, thence along the southern, western, northern and eastern boundaries of said Airport to U.S. Bypass 71, thence east along U.S. Bypass 71 to Liberty, Mo., thence along the northern and eastern boundaries of Liberty to U.S. Bypass 71, thence south along U.S. Bypass 71 to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U.S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway to its junction with Jones Road, thence south on Jones Road to its junction with Necessary Road, thence south on Necessary Road to its junction with Holke Road, thence west on Holke Road to Kiger Road, thence south on Kiger Road to Evans & Sheley Lane, thence east on Evans & Sheley Lane to County Road 10E, thence south on County Road 10E to the northern limits of Lees Summit, Mo., thence along the northern, eastern, and southern boundaries of Lees Summit to County Road 10S (Longview Road), thence west on County Road 10S to junction Raytown South Road (5E), thence south on Raytown South Road (5E) to Missouri Highway 150, thence west on Missouri Highway 150 to the eastern boundary of Richards-Gebaur Air Force Base, thence along the eastern, southern, and western boundaries of said Air Force Base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to junction U.S. Highway 69, thence north along U.S. Highway 69 to junction 103rd Street, thence west along 103rd Street to junction Pflumm Road, thence north along Pflumm Road to Lenexa, Kans., thence along the southern, western, and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to junction Kansas Highway 10, thence west on Kansas Highway 10 to junction Kansas Highway 7, thence north on Kansas Highway 7 to Bonner Springs, Kans., thence along the southern and eastern boundaries of Bonner Springs to junction Kansas Highway 32, thence east on Kansas Highway 32 to junction 65th Street, thence north along 65th Street to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to junction Kansas Highway 5, thence east along Kansas Highway 5 to 77th Street, thence north along 77th Street and its continuation, Pomeroy Drive, northwesterly to junction 79th Street, thence north along 79th Street to junction Wolcott Drive at Pomeroy, Kansas, thence due west 1.3 miles to junction unnamed road, thence north along such unnamed road to the entrance to the Powell Port Facility, thence due north to to southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective August 17, 1959, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5673; Filed, July 8, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. The red salmon runs in the Nushagak district of Bristol Bay continue to be sufficiently strong so as to permit additional fishing time for the week ending July 12.

Therefore, the requirements of § 104.9 and the announcement dated July 6, listing the number of units of gear registered for fishing for the week ending July 12, 1959, notwithstanding, fishing is permitted in the Nushagak district from 9 a.m. to 6 p.m. Wednesday, July 8, 1959.

Since immediate action is necessary, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 8, 1959.

RALPH C. BAKER, *Acting Director, Bureau of Commercial Fisheries.*

[F.R. Doc. 59-5743; Filed, July 8, 1959; 11:03 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-210-A11]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Balinese Room of the Skirvin Hotel, Oklahoma City, Oklahoma, beginning at 10:00 a.m., c.s.t., on July 28, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oklahoma Metropolitan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Oklahoma Milk Producers Association and the Pure Milk Producers Association of Eastern Oklahoma:

Proposal No. 1. Amend § 906.6 to include the city limits of the City of Ponca

City, Oklahoma, within the Oklahoma Metropolitan milk marketing area.

Proposal No. 2. Amend § 906.7(b) by deleting the present language included therein, and inserting in lieu thereof, the following:

(b) From which 50 percent or more of its receipts from approved dairy farmers during the month is transferred to a plant described in paragraph (a) of this section, or from which 50 percent or more of the receipts of such milk were so transferred during each of the preceding months of September through December, unless the operator of such plant has requested the Market Administrator, in writing, that such plant be considered a nonpool plant.

Proposal No. 3. Amend § 906.12 by deleting the present language included therein, and inserting in lieu thereof the following:

§ 906.12 Other source milk.

"Other source milk" means all skim milk and butterfat other than that contained in producer milk or in receipts of Class I products from other pool plants, including products designated as Class II milk, pursuant to § 906.41(b), from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month, including any nonfluid milk products not otherwise specifically accounted for.

Proposal No. 4. Amend § 906.45 by adding the following language to said section: "Skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

Proposal No. 5. Amend § 906.44 to provide for the classification of fluid cream based upon the utilization of such fluid cream, rather than upon the movement of such cream to a nonpool plant, provided the containers are labeled and tagged "For Manufacturing Use Only".

Proposal No. 6. Amend § 906.51(a) to read as follows:

(a) *Class I milk.* The basic formula price plus $1.75 during the months of March, April, May, and June, and plus $1.95 during all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall be not more than that for the preceding month. To this price, add or subtract a "supply-demand adjustment" of not more than 23 cents, computed as follows.

Proposal No. 7. Amend § 906.51 to provide for the inclusion of producer receipts and gross Class I utilization as computed under the provisions of Federal Order No. 86, regulating the handling of milk in the Red River Valley marketing area, in the computation of the standard utilization percentages for determining supply-demand relationship. Also, modify the table in § 906.51(a)(2)(iii), to read as follows:

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	November-December	121	131
February	December-January	125	135
March	January-February	127	137
April	February-March	127	137
May	March-April	131	141
June	April-May	139	149
July	May-June	148	158
August	June-July	145	155
September	July-August	133	143
October	August-September	123	133
November	September-October	119	129
December	October-November	119	129

Proposal No. 8. Amend § 906.70 to provide for a compensatory payment into the producer settlement fund of the Oklahoma Metropolitan order on other source milk allocated to Class I, except in cases where such milk was subject to the Class I pricing, and payment provisions of another Federal milk order issued pursuant to the Act, and to provide for the computation of such compensatory payments at a rate equal to the difference between the Class I price, adjusted by the Class I butterfat differential, and the Class II price, adjusted by the Class II butterfat differential, during all months of the year.

Proposal No. 9. Amend §§ 906.65, 906.72, and 906.73 to change the months listed therein from "February through July" to "March through June".

Proposal No. 10. Make such conforming changes in other sections of the order as may be necessary to effectuate the intent of the specific amendments herein proposed.

Proposed by Glencliff Dairy, Beatrice Foods Company, The Carnation Company, Townley Dairy, The Borden Company, Gilt Edge Dairy, Brown Dairy and Staffans Dairy:

Proposal No. 11. Amend § 906.6 to add Garfield County, Oklahoma, to the marketing area.

Proposal No. 12. Add as § 906.17 the following:

§ 906.17 Accounting-Period.

"Accounting-period" shall mean the calendar month unless a handler during any calendar month shall make a request in writing to the market administrator requesting two accounting periods during such calendar month.

Proposal No. 13. Make such changes in §§ 906.30, 906.40, 906.44, 906.45, 906.46, 906.70, and 906.71 as may be necessary as a result of adoption of the above proposal.

Proposal No. 14. Amend § 906.88 to provide that any handler requesting two accounting periods during any calendar month shall be assessed an increase in its administration costs for that calendar month.

Proposal No. 15. Amend § 906.46(a) by renumbering subparagraphs 906.46 (a)(6) and subsequent subparagraphs and inserting as § 906.46(a)(6):

(6) Subtract from the remaining pounds of skim milk in each class on a pro rata basis the skim milk contained in milk produced by the handler on his own farm.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 16. Amend the last sentence in § 906.10 Producer to read as follows: "This definition shall not include a person with respect to milk produced by him which is received at a plant which is regulated by another order issued pursuant to the Act, if the other order requires such person to be designated as a producer."

Proposal No. 17. Amend § 906.11 Producer milk to read as follows:

§ 906.11 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler, either directly from producers or from other handlers as defined in § 906.9(b).

Proposal No. 18. Amend § 906.30 to provide for the reporting of opening and closing inventories.

Proposal No. 19. Amend § 906.66(c) by inserting after the phrase "45 consecutive days" the phrase "during the months of January through July".

Proposal No. 20. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2570 South Harvard, Tulsa, Okla., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 6th day of July 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-5683; Filed, July 8, 1959; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 5 parts per million for

residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on each of the raw agricultural commodities citrus citron, grapefruit, lemons, limes, oranges, tangelos, and tangerines.

The analytical methods proposed in the petition for determining residues of 2,4,5,4'-tetrachlorodiphenyl sulfone are as follows:

1. The colorimetric method by O. H. Fullmer and C. C. Cassil, published in the Journal of Agricultural and Food Chemistry, Vol. 6, page 906 (1958).

2. The infrared method of F. A. Gunther, R. C. Blinn, and J. Barkley, published in the Journal of Agricultural and Food Chemistry, Vol. 7, page 104 (1959).

3. The total chloride method of G. K. Helmkamp, F. A. Gunther, and J. P. Wolf III, published in the Journal of Agricultural and Food Chemistry, Volume 2, page 836 (1954).

Dated: July 1, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-5679; Filed, July 8, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Notice of Further Extension of Time for Filing Comments

Proposed amendments to Part 20 were published in the FEDERAL REGISTER for public comment on May 2, 1959 (24 F.R. 3537).

The proposed amendments to Part 20 are designed to bring the Commission's radiation protection standards in Part 20 into accord with the most recent recommendations of the National Committee on Radiation Protection and Measurements.

Initially, members of the public were given the customary 30 days to file comments and suggestions concerning the proposed amendments. It appeared, however, that the 30 day period was insufficient and that good cause existed why such period should be extended. Accordingly, by notice published in the FEDERAL REGISTER on June 4, 1959 (24 F.R. 4564), such period was extended to July 1, 1959. In view of requests received from interested persons, and because of the importance of the proposed amendments, it appears that good cause exists why a further extension of the comment period should be granted.

Notice is hereby given that with respect to the proposed amendments to Part 20 the Commission will receive and consider written comments filed on or before August 31, 1959. Comments should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of July 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-5652; Filed, July 8, 1959; 8:45 a.m.]

NOTICES

ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

EXECUTIVE DIRECTOR, ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

Delegation of Authority To Negotiate Contract With Firm for Engineering and Economic Research Services

SECTION 1. *Delegation.* The Executive Director of the Alaska International Rail and Highway Commission is authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Chairman of the Alaska International Rail and Highway Commission (24 F.R. 1921) to negotiate, without advertising, under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), a contract for the services of a specialized engineering and research firm in connection with a study to be made by the Commission in relation to additional rail and highway transportation facilities between Alaska and the other 48 States, and, subject to the provisions of section 2 of this order, to exercise all other authority of the Chairman of the Alaska International Rail and Highway Commission in regard to the administration of such contract.

SEC. 2. *Limitations on exercise of authority.* (a) The authority delegated by section 1 of this order shall be exercised in accordance with all provisions of Title III of said Act with respect to the negotiation of contracts, all other provisions of law, and the regulations of the General Services Administration.

(b) The authority granted by section 1 of this order shall not include the power to obligate the United States to pay in excess of $125,000 for the services of the contractor.

WARREN G. MAGNUSON,
Chairman, Alaska International Rail and Highway Commission.

[F.R. Doc. 59-5651; Filed, July 8, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 30, 1959.

The National Park Service has filed an application, Serial No. Washington 03542, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining and mineral leasing laws. The applicant desires the land for use in the establishment of an administrative, museum, and historic site in connection with the recreation uses of the Coulee Dam National Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Willamette Meridian, Washington

That portion of the original Fort Spokane Military Reserve in Sections 20 and 29, T. 28 N., R. 36 E., Willamette Meridian, lying above the 1310-foot contour, said contour being the presently established boundary of the existing Coulee Dam National Recreation Area, and that portion below said contour being now within the said Coulee Dam National Recreation Area, more particularly described as:

T. 28 N., R. 36 E., W.M.,
Sec. 20, lots 15, 16, 21, 22 and 23;
Sec. 29, lots 7 to 12 incl.

This tract contains 331.31 acres, more or less.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 59-5668; Filed, July 8, 1959; 8:46 a.m.]

[Document No. 209]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, U.S. Army, has filed an application, Serial No. AR-020646, for the withdrawal of lands as described below, from all forms of appropriation under the public land laws, including locations and entry under the general mining laws.

The applicant desires the lands for use relating to the construction, operation and maintenance of the civil works flood

control project known as the Whitlow Ranch Reservoir on Queen Creek, Arizona, and desires the right to over-flow, flood and submerge the lands, the right to remove any debris which may be detrimental to the maintenance and operation of the flood control project, the right to prohibit any construction which might create a potential source of floatable debris, the right to prohibit human habitation on part of the described lands, and the right to construct and maintain a dike or dikes for use in conjunction with controlling the waters of Queen Creek.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 11 E., Pinal County, Arizona (Unsurveyed),
Sec. 27: NW¼SW¼;
Sec. 28: S½, SW¼NE¼;
Sec. 29: S½;
Sec. 32: All;
Sec. 33: N½, N½SW¼, SW¼SW¼;
Sec. 34: NW¼, SW¼NE¼, NW¼SE¼, NE¼SW¼.
T. 2 S., R. 11 E., Pinal County, Arizona
Sec. 5: Lot 4 (NW¼NW¼);
Sec. 6: Lots 1, 2, 3, 4, 5, SE¼NW¼, S½ NE¼ (N½).

Total: Approximately 2590 acres.

E. I. ROWLAND,
State Supervisor.

JULY 1, 1959.

[F.R. Doc. 59-5669; Filed, July 8, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ODIE EDWARD WALKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: No change.
B. Additions: U.S. Treasury Bonds.

This statement is made as of June 26, 1959.

ODIE EDWARD WALKER.

JUNE 26, 1959.

[F.R. Doc. 59-5675; Filed, July 8, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11836, 11837; FCC 59M-849]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

Order Scheduling Hearing

In re applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell and Kermit S. Ashby, d/b as Star of the Plains Broadcasting Co., Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

It is ordered, This 1st day of July 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5684; Filed, July 8, 1959; 8:49 a.m.]

[Docket Nos. 12528, 12529; FCC 59-638]

DONALD W. HUFF AND EQUITABLE PUBLISHING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP-11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP-11934; for construction permits.

1. There are before the Commission for consideration a Memorandum Opinion and Order of the Hearing Examiner, released March 10, 1959 (FCC 59M-300), denying applicant Donald W. Huff (Huff) leave to amend his application to specify a new and larger transmitter site and to correct his financial proposal to reflect the increased cost of the new site; a petition for review of the Memorandum Opinion and Order filed March 17, 1959, by applicant Huff; oppositions to the petition for review filed March 25 and 30, 1959, respectively, by Equitable Publishing Company, Lansdale, Pennsylvania (Equitable), and the Commission's Broadcast Bureau (Bureau); and Huff's reply to the oppositions filed April 9, 1959. There are also before the Commission a petition to enlarge issues to permit inquiry as to the adequacy of applicant Huff's transmitter site filed January 19, 1959, by the Bureau; a response thereto filed February 9, 1959, by Huff; a response and a petition for further enlargement of issues to permit inquiry as to Huff's financial qualifications filed February 9, 1959, by Equitable; oppositions to the petition for further enlargement of the Bureau and Huff, both filed February 24, 1959; and Equitable's reply to the oppositions.

2. The above-entitled applications were designated for hearing by Commission Order, released July 21, 1958, on issues relating to areas and populations to be served by applicants, interference with existing stations, compliance with § 3.28(c) of the Commission's rules (the 10 percent rule) and the standard comparative issue. At the hearing held January 6 and 7, 1959, Equitable offered evidence to prove that a specified two tower directional antenna and ground system shown on a "property sketch" attached to the engineering statement submitted with Huff's application would require a tract of land nearly three times the size of the transmitter site available to Huff under an option agreement also attached as an exhibit to his application.[1] The evidence was excluded as not pertinent to issues designated for hearing.

3. Subsequent to hearing, the Bureau filed a petition to enlarge issues to permit inquiry as to the adequacy of Huff's transmitter site. Equitable requested further enlargement to add an issue as to Huff's financial qualifications. Also subsequent to hearing, on February 16, 1959, Huff filed a petition to amend his application to specify a new transmitter and antenna site directly across the street and approximately 1,000 feet removed from his present site, and to correct his financial proposal to reflect the increased cost of the proposed new site. The petition to amend was denied by the Examiner in a Memorandum Opinion and Order released March 10, 1959 (FCC 59M-300).

PETITION FOR REVIEW

4. The petition for review filed March 17, 1959, by applicant Huff requests the Commission to review and reverse the Examiner's Memorandum Opinion and Order, released March 10, 1959, denying Huff leave to amend his application to specify a new and larger transmitter site, and allow the amendment. As good cause within the meaning of § 1.311 of the Commission's rules for amendment of the application subsequent to designation for hearing, Huff alleges that although he was informed by his consulting engineer the site under option was too small to accommodate his antenna system, because of inexperience with Commission procedures he failed to grasp the necessity for prompt action to secure a revised or supplemental option. Huff also alleges that he was led to believe that the site under option was

[1] The Huff application, as filed May 23, 1957, proposed a directional antenna system consisting of two towers, each approximately 175' high, to be located on Welsh Road, a main thoroughfare approximately 1.15 miles northwest of Lansdale. A property sketch attached to the engineering statement in Huff's application showed the proposed directional antenna system on a site rectangular in shape and having approximate dimensions of 664 feet in length by 342 feet in width, while the option agreement attached to Huff's application covered a tract on Welsh Road having dimensions of 340 by 420 by 360 by 140 feet.

acceptable because the Commission, prior to designation for hearing, did not question its adequacy although twice requesting detailed information regarding other aspects of the application; and that this belief was deepened by the fact that his adversary did not question adequacy of the site immediately after designation for hearing in the manner prescribed by the Commission's rules.

5. Unfamiliarity with Commission procedures, which could have been avoided by securing professional advice, does not present cause for allowance of the amendment. Nor does reliance on the fact that adequacy of the site was not questioned by the Commission or by Equitable present a basis therefor. Huff's engineering exhibits represented and sketched a site adequate for the proposed directional array; there was no obligation on the part of the Commission or its staff to plot out the metes and bounds of the tract described in the option agreement and determine and advise the applicant what he already knew—that the tract was too small to accommodate the proposed antenna system. Huff cannot shift his responsibility to correct a known defect into an obligation on the part of the Commission or his adversary to bring the matter to applicant's attention.

6. Huff also contends that the amendment would not change the hearing issues, would not require the addition of new parties or introduction of new evidence, would moot the Bureau petition to enlarge issues, and would permit the Commission to continue to have a choice of applicants. In addition, Huff contends denial of the amendment would encourage litigants to conceal non-comparative defects in their opponents' applications until hearing, and would irrevocably injure an individual who has prosecuted his application in good faith for two years. The Commission finds that none of these considerations presents good cause for allowing the amendment. Allowance of the amendment at this late stage of the proceeding to correct a deficiency known when the application was filed would disrupt orderly procedures, encourage delay and be prejudicial to the other applicant. Such injury as may result to petitioner stems from his own inattentiveness and lack of diligence. The Commission finds no ground for overruling the Examiner and the petition for review will accordingly be denied.

BUREAU PETITIONS TO ENLARGE

7. The Bureau petition requests addition of an issue as to the adequacy of the site specified in Huff's application to support the antenna system proposed therein. The Bureau alleges that it had good cause for not filing the petition within the time prescribed by § 1.141 of the Commission's rules. The Bureau petition discloses a basic defect in Huff's application which did not become apparent until the hearing held January 6 and 7, 1959. The defect was known to applicant when the application was filed; it was not noted prior to hearing because of representations in the applicant's engineering exhibits that the land available was adequate to support the antenna system proposed. Under the circumstances, adequate cause is shown for delay in filing and the Bureau's requested issue will be granted.

REQUESTED FINANCIAL ISSUE

8. Equitable requests that the issues be further enlarged to include an issue as to Huff's financial qualifications in the event the Bureau's petition to enlarge issues is granted. It is Equitable's position that Huff's original showing as to financial qualifications was inadequate; that if the Bureau petition is granted, Huff will be required to make additional expenditures to acquire additional land adjacent to the present site under option, or to secure a new site; and that it is accordingly necessary and desirable in the interests of expedition to include an issue directed to Huff's financial qualifications at this time. Huff's petition to amend to a new site has been denied, and Equitable's petition for a financial issue is therefore moot to the extent that it is in anticipation of increased costs to be incurred by Huff for a new site. The assertion that a financial issue is now necessary because Huff may make additional expenditures for land adjacent to the site under option is conjectural since Equitable could have no knowledge of the increased cost involved for such land nor of Huff's proposal to finance it. Equitable's contention that Huff's original showing as to financial qualifications was inadequate was specifically rejected in the order designating the applications for hearing because no facts or data were submitted in support thereof and the application showed sufficient funds available to construct and operate the proposed station; further consideration of this contention is not required. Equitable's petition for enlargement of the issues will, therefore, be denied.

Accordingly, it is ordered, That the petition for review, filed March 17, 1959, by Donald W. Huff is denied; the petition for further enlargement of issues, filed February 9, 1959, by Equitable Publishing Company is denied; and that the petition to enlarge issues, filed January 19, 1959 by the Commission's Broadcast Bureau is granted, and that the issues in this proceeding are amended to renumber Issue Nos. 4 and 5 as Issue Nos. 5 and 6, respectively, and to include as Issue No. 4 the following: "To determine whether applicant Donald W. Huff is technically qualified to construct and operate the station proposed with particular reference to whether the site specified in his application is of sufficient size to accommodate the antenna system proposed."

Adopted: July 1, 1959.

Released: July 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5685; Filed, July 8, 1959; 8:49 a.m.]

[Docket No. 12179 etc.; FCC 59M-859]

RADIO ST. CROIX, INC., ET AL.

Notice of Conference

In re applications of Radio St. Croix, Inc., New Richmond, Wisconsin, Docket No. 12179, File No. BP-10925; et al., Docket Nos. 12181, 12786, 12788, 12789, 12791, 12792, 12794, 12795, 12796, 12797, 12798, 12799, 12800, 12801, 12802, 12803, 12805, 12905, 12906, 12907; for construction permits.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a.m. on Tuesday, July 28, 1959, in Washington, D.C.

Dated: July 2, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5686; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12733; FCC 59M-854]

NORMAN E. KAY

Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration an informal request from the applicant for a continuation of the hearing now scheduled to commence on July 17, 1959;

It appearing that additional time is needed for the preparation of engineering data and that all the other parties have no objection to the requested continuance;

It is ordered, This 1st day of July 1959, that the hearing now scheduled to commence on July 17 is continued to September 17, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5687; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12860-12863; FCC 59M-853]

WILLIAM PARMER FULLER, III, ET AL.

Order Continuing Hearing

In re applications of William Parmer Fuller, III, Salt Lake City, Utah, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; L. John Miner, tr/as Inland Empire Broadcasting Co., Price, Utah, Docket No. 12862, File No. BP-11907; Cache Valley Broadcasting Company (KVNU), Logan, Utah, Docket No.

12863, File No. BP-12017; for construction permits.

The Hearing Examiner having under consideration oral request of Cache Valley Broadcasting Company for continuance of the hearing and extension of time for exchange of applicants' direct cases;

It appearing that counsel for all other participating parties have consented to immediate consideration and grant of the request;

It is ordered, This 1st day of July 1959, that the above request is granted; the hearing now scheduled for July 9, 1959, is continued until September 11, 1959, at 10:00 a.m.; and the date for exchange of the applicants' direct cases is postponed from July 6, 1959, to September 1, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-5688; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12898, 12899; FCC 59M-856]

TYRONE BROADCASTING CO. (WTRN) AND TRIANGLE PUBLICATIONS, INC. (WFBG)

Order Advancing Hearing Date

In re applications of Cary H. Simpson, tr/as Tyrone Broadcasting Company (WTRN), Tyrone, Pennsylvania, Docket No. 12898, File No. BP-11358; Triangle Publications, Inc. (WFBG) (Radio & Television Division), Altoona, Pennsylvania, Docket No. 12899, File No. BP-11902; for construction permits for standard broadcast stations.

The Hearing Examiner having under consideration a joint petition to advance the hearing date filed by the applicants on June 29, 1959;

It appearing that a hearing is now scheduled to commence on September 9, 1959, but the two applicants are urging that this date be advanced in order to permit a speedy determination of the engineering issues and that counsel for the Broadcast Bureau has given his consent to the requested advance and to immediate consideration of the petition;

It is ordered, This 1st day of July 1959, that the joint petition to advance hearing date is granted and the date of hearing is advanced from September 9 to July 14, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5689; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12915; FCC 59M-847]

BOOTH BROADCASTING CO. (WSGW)

Order Scheduling Hearing

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; for construction permit for standard broadcast station.

It is ordered, This 1st day of July 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5690; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12916, 12917; FCC 59M-851]

GULF COAST BROADCASTERS AND TRI-COUNTY BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Anthony E. Zuccaro tr/as Gulf Coast Broadcasters, Moss Point, Mississippi, Docket No. 12916, File No. BP-11733; Tri-County Broadcasters, Inc., Lucedale, Mississippi, Docket No. 12917, File No. BP-12659; for construction permits.

It is ordered, This 1st day of July 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5691; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12919, 12920; FCC 59M-848]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Scheduling Hearing

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

It is ordered, This 1st day of July 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5693; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12918; FCC 59M-852]

DODGE CITY BROADCASTING CO., INC.

Order Scheduling Hearing

In re application of The Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP-12110; for construction permit.

It is ordered, This 1st day of July 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5692; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12921; FCC 59M-850]

MOUNT LASSEN RADIO AND TELEVISION BROADCASTING CO.

Order Scheduling Hearing

In re application of Mount Lassen Radio and Television Broadcasting Company, Red Bluff, California, Docket No. 12921, File No. BP-12196; for construction permit.

It is ordered, This 1st day of July 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 24, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5694; Filed, July 8, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13036, etc.]

COLUMBIAN FUEL CORP. ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JULY 1, 1959.

In the matters of Columbian Fuel Corporation, Docket No. G-13036; United Carbon Company, Inc. (Maryland), Docket No. G-13037; Colorado Oil and Gas Corporation, Operator, et al., Docket No. G-13086.

Take notice (1) that Columbian Fuel Corporation (Columbian), a Delaware corporation with a principal office in New York, New York, filed an application in Docket No. G-13036 on August 9, 1957, (2) United Carbon Company, Inc. (Maryland) (United Carbon), with a principal office in Charleston, West Virginia, filed an application in Docket No. G-13037 on August 9, 1957, and (3) Colorado Oil and Gas Corporation (Colorado), a Delaware corporation with a

principal office in Denver, Colorado, filed an application in Docket No. G–13086 on August 19, 1957 for itself and Pioneer Production Corporation, pursuant to section 7 of the Natural Gas Act for:

(a) Columbian in Docket No. 13036 and United in Docket No. G–13037 to partially abandon service to Panhandle Eastern Pipe Line Company (Panhandle) from the Stevens Field, Mead County, Kansas, covered by a contract dated November 19, 1953, as amended November 19 and December 22, 1953, and March 31, 1956, between United Producing Company, Inc., United and Columbian, as sellers, and Panhandle, as buyer. Copies of said contract, as amended, are on file as Columbian Fuel Corporation FPC Gas Rate Schedule No. 2 and United Carbon Company, Inc. (Maryland) FPC Gas Rate Schedule No. 5, and

(b) Colorado in Docket No. G–13086 to continue the services to Panhandle proposed to be abandoned by Columbian and United.

The foregoing proposals are more fully set forth in the applications on file with the Commission, and open to public inspection.

The application of Columbian recites that by two instruments of assignment dated December 9, 1955, Columbia and United assigned their separate 50 percent working interests in the following acreage to Colorado subject to the aforementioned amended contract of November 19, 1953, and certain overriding royalty reservations.

Assigned Acreage

(A)

E/2 and SW/4 Sec. 35–32S–30W
SW/4 Sec. 26–32S–30W
NW/4 Sec. 11–33S–30W
Sec. 2–33S30W (Except N/2 of NW/4 Sec. 2–33S–30W)
Lots 3 & 4 Sec. 2–33S–30W

(B)

E/2 Sec. 3–33S–30W

Colorado, by instruments of assignment executed February 15, 1956, assigned a 50 percent working interest in the Item "B" acreage and by instrument dated February 16, 1956, assigned a 50 percent working interest in the Item "A" acreage to Amarillo Oil Company (Amarillo)[1] subject to the above contract and royalty reservations by Columbian and United. Amarillo, in turn, by separate instruments dated February 12, 1957, assigned to Pioneer all of Amarillo's interest to all casinghead gas production from the above Item "A" acreage; gas rights including casinghead gas from the Morrow Formation and from the Chester Formation (except SE/4 and SW/4 Sec. 35–32S–30W) and by assignment executed September 24, 1956, gas from the Chester Formation underlying said SE/4 and SW/4 Sec. 35–32S–30W; all of said assignments by Amarillo being subject to the above contract of November 19, 1953, as amended, and certain overriding royalty reservations, among other things.

Colorado states in Docket No. G–13086 that subsequent to its acquisition of the interests of Columbian and United in said acreage and the commencement of drilling operations in Section 3–33S–30W, the interest holders in said section pooled their interest and, as a result thereof, Pioneer and Colorado each acquired a 31.25 percent interest therein which is dedicated to the amended contract of November 19, 1953, by a ratification agreement dated April 9, 1957, wherein Colorado and Pioneer ratify the subject contract.

The application further recites that Columbian and United were authorized on November 15, 1955, in Docket Nos. G–4308 and G–4316, respectively, In the Matters of Columbian Fuel Corporation, et al., Docket No. G–4308, et al., to render service to Panhandle from the subject acreage, in addition to other acreage dedicated to the subject contract.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5658; Filed, July 8, 1959; 8:45 a.m.]

[Docket Nos. G–6622, G–8510]

CROW DRILLING CO., INC.

Notice of Continuance of Hearing

JUNE 25, 1959.

Upon consideration of the motion filed June 10, 1959, by Crow Drilling Co., Inc., to vacate orders fixing date of hearing in the above-designated matter;

The hearing now scheduled for June 29, 1959, is hereby postponed to September 14, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5659; Filed, July 8, 1959; 8:45 a.m.]

[Docket No. G–18252]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

JULY 1, 1959.

Take notice that on April 6, 1959, supplemented on May 15, 1959, The Ohio Fuel Gas Company (Applicant) filed in Docket No. G–18252 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to provide for more effective utilization of Applicant's Pavonia Storage Field capacity and to permit transmission of increased volumes of gas necessary for storage injection, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought are as follows:

(1) 6.4 miles of 24-inch pipeline extending main Line K–205 to Treat Compressor Station in Licking County, Ohio, which extension would complete the looping of Line K–170 between Crawford and Treat Stations Tie-in, at Treat Compressor Station; and

(2) 1,500 additional horsepower compressor unit at Pavonia Compressor Station on Applicant's main line in Richland County, Ohio.

The esimated total cost of the proposed facilities is $865,000, which is to be financed by the sale of promissory notes and common stock to Applicant's parent company, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

[1] Amarillo is an affiliate of Pioneer.

with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5660; Filed, July 8, 1959; 8:46 a.m.]

[Docket Nos. G-13048, G-13049, G-13050]

PHILLIPS PETROLEUM CO.

Notice of Applications and Date of Hearing

JULY 1, 1959.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation with its principal place of business in Bartlesville, Oklahoma, filed on August 12, 1957, applications, as supplemented November 12, 1958, in Docket Nos. G-13048, G-13049 and G-13050, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Warren Petroleum Corporation (Warren), operator of the Garvin County Plant System (consisting of three Garvin County Plants and related gathering system jointly owned by Oklahoma Natural Gas Company, Texaco Inc., Cities Service Oil Company and Kerr-McGee Oil Industries, Inc.), being rendered by Applicant to Warren, subject to the jurisdiction of the Commission and as more fully described in the applications on file with the Commission and open to public inspection.

The sales proposed to be abandoned are identified by lease and docket as follows:

(1) In Docket No. G-13048, the Chancey Lease, Lindsay Area, Garvin County, Oklahoma, covered by a sales contract dated August 5, 1952 (Phillips Petroleum Company FPC Gas Rate Schedule No. 98).

(2) In Docket No. G-13049, from the O. E. Jackson Lease, Lindsay Area, Garvin County, Oklahoma, under a sales contract dated August 7, 1952 (Phillips Petroleum Company FPC Gas Rate Schedule No. 99).

(3) In Docket No. G-13050, from the Martin Ranch Lease Wells No. 7 and No. 8, Golden Trend Area, Garvin County, Oklahoma, pursuant to a sales contract dated August 7, 1952 (Phillips Petroleum Company FPC Gas Rate Schedule No. 97).

Applicant states it has negotiated an intrastate gas sales contract dated April 19, 1955, with Transok Pipe Line Company (Transok), and is dedicating the described leases to said sale.

Applicant states that (1) Warren has not been taking the total allowable production from the leases since January 1, 1956 (the Oklahoma Corporation Commission having canceled some 210,700 Mcf of untaken allowable production), (2) that no existing evidence indicates this situation will terminate and, therefore, Applicant will suffer continued loss of allowables and resulting drainage by other wells in the vicinity, (3) that casinghead gas production from adjacent properties is being flared because it is produced at a low pressure and is, therefore, incapable of being delivered into Warren's high pressure system and (4) that should the abandonment applications herein be authorized, Applicant would be able to extend its low pressure system to gather and deliver to Transok the volumes now being delivered to Warren, in addition to the untaken allowables and the volumes of gas now being flared.

Applicant further states it was authorized on September 28, 1956, in Docket Nos. G-3387, G-3388 and G-3389 to render service to Warren and the co-owners of the Garvin County Plant System from the Martin Ranch Lease Wells No. 7 and No. 8, the Chancey, and the O. E. Jackson Leases, respectively.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5661; Filed, July 8, 1959; 8:46 a.m.]

[Docket No. G-17335, etc.]

TEXAS GAS TRANSMISSION CORP. ET AL.

Order Waiving Intermediate Decision Procedure, Setting Date for Filing Briefs, and Fixing Date for Oral Argument

JULY 2, 1959.

In the matters of Texas Gas Transmission Corporation, Docket No. G-17335; Texas Eastern Transmission Corporation, Docket No. G-17420; Hope Natural Gas Company, Docket No. G-17565; Texas Gas Exploration Corporation, Docket No. G-17336; J. Ray McDermott & Co., Inc., Docket No. G-17337; Kilroy Properties Incorporated, et al. Docket No. G-17338; The California Company, Docket No. G-17339; Callery Properties, Inc., Docket Nos. G-17340 and G-17341; Ocean Drilling & Exploration Company, Docket Nos. G-17342 and G-17343; Humble Oil & Refining Company, Docket No. G-17391; Amerada Petroleum Corporation, Docket Nos. G-17393 and G-17407; Kerr-McGee Oil Industries, Inc., Docket No. G-17396; Bel Oil Corporation, Docket No. G-17397; Caroline Hunt Sands and Loyd B. Sands, Docket No. G-17398; Richardson & Bass, (Louisiana Account), Operator, Docket No. G-17399; Magnolia Petroleum Company, Docket No. G-17401; Beck Oil Company, et al. Docket No. G-17402; Phillips Petroleum Company, Docket No. G-17405; Mississippi River Fuel Corporation, Docket No. G-17413; Union Oil Company of California, Docket No. G-17457; Tidewater Oil Company, Docket Nos. G-17463, G-17474, G-17475, and G-17483; Continental Oil Company, Docket Nos. G-17554 and G-17566; Shell Oil Company, Docket No. G-17560; Pan American Petroleum Corporation, Docket No. G-17574.

At the conclusion of the hearing in the above-entitled matters on June 25, 1959, counsel for Hope Natural Gas Company moved orally to waive the intermediate decision procedure in the entire consolidated proceeding. This motion was concurred in by counsel for Texas Gas Transmission Corporation, Texas Eastern Transmission Corporation, The Ohio Fuel Gas Company, The Manufacturers Light and Heat Company, Humble Oil & Refining Company, Shell Oil Company, and Texas Gas Exploration Corporation. In addition, counsel for Hope Natural Gas Company stated on the record that counsel for the New York State Public Service Commission had authorized him to state that it did not object to the omission of the intermediate decision procedure. The motion was opposed by counsel for Tennessee Gas Transmission Company. The staff of the Commission took no position on the motion. A number of other parties of record were not present at the time the motion was made, and accordingly expressed no position thereon.

The hearing examiner adopted a compromise proposal made by counsel for the Shell Oil Company setting July 16, 1959, as the date for the filing of initial briefs by the parties involved. At this time counsel for Shell also stressed the importance his company attached to the expeditious determination of the issues involved in this matter. Texas Gas Transmission and the Hope Natural Gas Company have likewise indicated that an expeditious determination is necessary in order that the proposed facilities herein may be in operating condition for the 1959-60 heating season in the event that affirmative approval is made by the Commission.

Omission of the intermediate decision procedure and the hearing of oral argu-

ment on issues involved in the above-entitled matters would be entirely consistent with the Commission's intent to expedite the handling and disposition of new applications seeking to serve expanding markets before the advent of the 1959–60 heating season. The Commission, In the Matters of Midwestern Gas Transmission Company, et al., Docket Nos. G–16841, et al., acted similarly in that instance because of the need for early commencement of pipeline construction required to initiate natural-gas service to certain northern communities during the course of the 1959–60 heating season.

Therefore, this order will provide for the expeditious filing of initial briefs and allow four days for reply briefs.

(1) The due and timely execution of the Commission's functions imperatively and unavoidably requires the omission of the intermediate decision procedure.

(2) Good cause has been shown for waiving and omitting the intermediate decision procedure and for requiring oral argument before the Commission at the time hereinafter fixed.

The Commission orders:

(A) The intermediate decision procedure in the above-entitled matters be and it is hereby waived and omitted.

(B) Initial briefs shall be filed on or before July 16, 1959, and any parties desiring to file reply briefs shall do so on or before July 20, 1959. Oral argument shall be heard on these matters.

(C) Oral argument before the Commission shall be held on July 21, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All parties desiring to participate in the oral argument shall inform the Secretary in writing of the length of time desired for argument not later than July 14, 1959.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5663; Filed, July 8, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HENRY W. CLARK

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Henry W. Clark, Vice President, Alaska Steamship Company.

This amends statement published October 29, 1958 (23 F.R. 8369).

Dated: April 26, 1959.

HENRY W. CLARK.

[F.R. Doc. 59–5654; Filed, July 8, 1959; 8:45 a.m.]

C. F. OGDEN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Domestic Stocks

Aeroquip Corporation.
American Airlines, Inc.
Aluminum, Ltd.
Davidson Brothers, Inc.
The Detroit Edison Company.
Dow Chemical Company.
Fundamental Investors, Inc.
General Dynamics.
General Electric Company.
Glenn L. Martin Company.
McLouth Steel.
Parke Davis & Company.
Phillips Petroleum.
Rayonier, Inc.
Republic Steel Corporation.
Sperry Rand Corporation.
Texas Gas Transmission.

Canadian Stocks

Britalta Petroleums, Ltd.
New Athona Mines, Ltd.
Scurry Rainbow Oil, Ltd.
Rayrock Mines, Ltd.

This amends statement published February 10, 1959 (24 F.R. 994).

Dated: July 1, 1959.

C. F. OGDEN.

[F.R. Doc. 59–5655; Filed, July 8, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3808]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Execution of Surety Bonds by Holding Company for Public Utility Subsidiaries

JULY 2, 1959.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 thereunder as applicable to the proposed transactions, which are summarized as follows:

United Fuel Gas Company ("United") and The Manufacturers Light and Heat Company ("Manufacturers"), two wholly owned public utility subsidiaries of Columbia, have filed with the Public Service Commission of West Virginia revised rate schedules which will provide estimated annual increases in revenues approximately as follows: United, $4,682,000 and Manufacturers, $2,057,000.

The State commission, by order issued on April 10, 1959, suspended the collection of United's new rates until August 30, 1959, and by order dated May 7, 1959, suspended the collection of Manufacturers' new rates until September 12, 1959. However, by subsequent orders issued on May 15, 1959, United and Manufacturers were permitted to commence the collection of a portion of the increased rates immediately upon the posting of a bond in the amount of $100,000 by each of the companies to cover the contingent refunds of the amounts thus collected during the periods from May 15 to August 30 and September 12, 1959.

According to the filing the State commission is expected to require United and Manufacturers to post additional bonds of not to exceed $3,000,000 and $5,000,000, respectively, as conditions to their further collection of the increased rates commencing on August 30, 1959, and September 12, 1959. The State commission has indicated its willingness to accept Columbia as surety on the bonds and Columbia proposes to act as surety thereon without fee or other expenses, in order to relieve the subsidiaries of paying the customary fee of a surety company. In the event any portion of the increased rates should ultimately be determined to be excessive United and Manufacturers will make refunds in the ordinary course of business out of their respective general corporate funds.

Columbia requests authorization, approval or exemption of its acting as surety on the bonds of United and Manufacturers.

Notice is further given that any interested person may, not later than July 16, 1959, at 5:30 p.m. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transactions as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–5670; Filed, July 8, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 6, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35528: *Lumber—North Pacific coast points to points in Utah.* Filed by Trans-Continental Freight Bureau, Agent (No. 360), for interested rail carriers. Rates on lumber and related articles, carloads from points in British Columbia, Oregon, and Washington to Ogden, Utah, and other specified points.

Grounds for relief: Abandonment under Finance Docket 20202 of the Bamberger Railroad Company's lines and adoption of portion of such lines by the Union Pacific Railroad Company under Finance Docket 20367.

Tariff: Supplement 28 to Trans-Continental Freight Bureau tariff I.C.C. 1589.

FSA No. 35529: *Substituted service—CRI&P for motor carriers.* Filed by Middlewest Motor Freight Bureau, Agent (No. 175), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier, (1) between Chicago (Burr Oak), Ill., on one hand, and Kansas City (Armourdale), Kans., Dallas, Forth Worth, Tex., or Oklahoma City, Okla., on the other, and (2) between St. Louis, Mo., and Kansas City (Armourdale) or Wichita, Kans., on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 103 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35530: *Substituted service—CRI&P for Merchants Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 174), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and Moline, Ill., on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 103 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35531: *Asphalt, oil and tailings to New Mexico points.* Filed jointly by The Atchison, Topeka and Santa Fe Railway Company (No. 86-A), and the Chicago Rock Island and Pacific Railroad Company (No. 882), for themselves and interested rail carriers. Rates on asphalt, petroleum road oil and wax tailings, tank-car loads from Artesia, N. Mex., and points in southwestern and Mid-Continent territorial groups to stations in New Mexico described in the application.

Grounds for relief: Short-line distance formula and truck competition.

Tariffs: Supplement 35 to AT&SF Ry tariff I.C.C. 14813. Supplement 11 to CRI&P RR tariff I.C.C. 13494.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-5672; Filed, July 8, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during July. Proposed rules, as opposed to final actions, are identified as such.